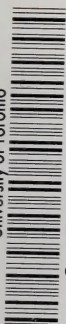


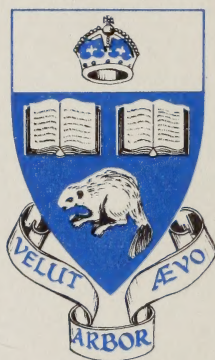
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# LIBRARY LAW

UNIVERSITY OF TORONTO



SCHOOL  
OF  
LIBRARY SCIENCE









# LIBRARY LAW



# LIBRARY LAW

A TEXT-BOOK FOR THE PROFESSIONAL  
EXAMINATIONS IN LIBRARY  
ORGANISATION

BY

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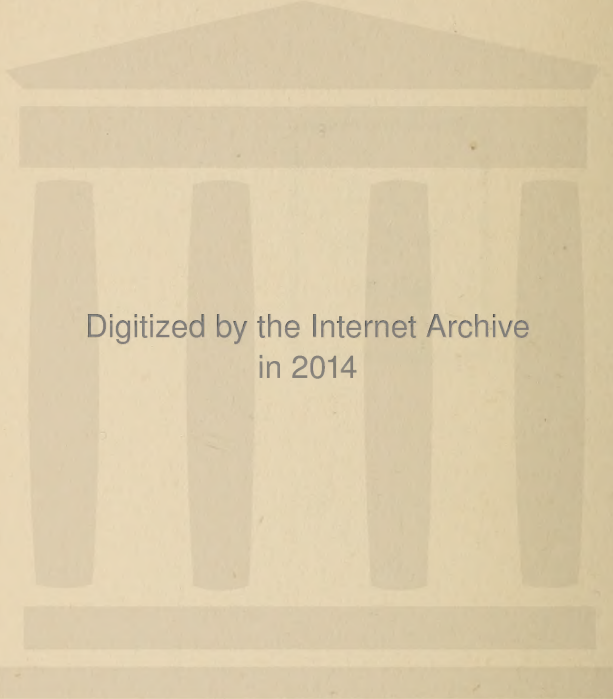
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## PREFACE

THIS book has been prepared in the attempt to make accessible the essential information on library and museum legislation required by those who are preparing for the professional examinations in Library Organisation. Theory is included, therefore, only to a slight degree and in the cases where it is almost inseparable from legislative questions. The portions of the Library Association syllabus for Library Organisation which are here covered are set out on pp. 9-11, but it is intended in the near future to supplement this volume by another one covering the remainder of the syllabus in this section of library economy.

It will be seen that the book has been divided into three parts. The first includes a summary of the British statutory provisions arranged chronologically under each of the countries. An adequate knowledge of library legislation cannot easily be obtained by studying the subject on a topical basis alone, and the various Acts have been analysed as the foundation of the whole subject. In these summaries comment has been reduced to the minimum consistent with clearness. Repealed provisions of the statutes are not given except where mentioned as such, but amending provisions of subsequent Acts and the relevant portions of other Acts are included or noted in the sections to which they apply. A very few sections of the Acts have been omitted, not because they are in themselves unimportant, but because their inclusion did not seem essential

in a book which aims to make the main body of library law intelligible from a library student's point of view and not to answer intricate legal queries from a lawyer's point of view.

The second part deals with the more important questions under a topical arrangement, but full footnotes have been provided as a link with the first part for authority for the statements made. Some little repetition will be noticeable under several of the headings, but this has been intentional. It seemed desirable, in view of the purpose of the book, that the material under each of these headings should be reasonably complete within itself.

The third part is a general survey of the outlines of Colonial and United States library legislation. As required by the terms of the syllabus, this division of the subject is treated on broad lines, with emphasis on outstanding features, and without the detailed treatment required for British legislation.

Whilst accepting full responsibility for any deficiencies in the book, I wish to express my indebtedness to the many librarians who have generously given me information and answered my inquiries, and to several of my colleagues on the staff of the University of London School of Librarianship, especially Mr B. M. Headicar, who teaches Library Organisation in the School; also to Mr C. W. Stephenson, solicitor, of Hammersmith.

*Note.*—Where the term “Library purposes” is used it must be understood to mean “for the purposes of the Libraries Acts”; similarly with “library powers” and “library expenses”: these terms must be taken to cover all powers or expenses under the Libraries Acts.

Students are recommended to omit the footnotes on the first reading.

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*The arrangement followed is that of the Library Association Syllabus  
for Library Organisation (Section V.)*

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**PART I**  
**SUMMARIES OF BRITISH STATUTES**  
**CONCERNING LIBRARIES**



## PUBLIC LIBRARIES ACT, 1892<sup>1</sup>

(THE PRINCIPAL ACT FOR ENGLAND AND WALES)

[§ 1] **Library District.**—Every urban district (including county boroughs and boroughs) and every parish not within an urban district is a library district—*i.e.* is a district which can adopt the Libraries Acts.

[The 1919 Act introduced important modifications of the power of certain districts to adopt the Acts.]

[§ 2] **Rate Limitation.** — The maximum rate was limited to 1d. in the £, except in the City of London and in places where a local Act prescribed any other limit.

[This limitation was, however, repealed by the 1919 Act, section 4.]

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<sup>1</sup> As indicated in the Preface, these summaries of the Acts are presented as conveying an adequate idea of the important provisions and not as a complete paraphrase of the Acts. The various Acts should, however, be distinguished from one another and their progressive nature realised. If it is desired to use the Acts themselves in conjunction with the summaries, they may be obtained separately at a small cost, but they should preferably be read as far as possible in *The Statutes Revised* (the work is completed to 1900 and gives the statutes in the form as amended by subsequent enactments), or in *The Law Relating to Public Libraries and Museums*, by G. F. Chambers and H. W. Fovargue, fourth edition, 1899 (which includes all Acts down to 1898 and contains many helpful notes). The student may, for the purpose in view, omit sections of the Acts which are not noted in the summaries.

### [§ 3] Adoption of the Acts in Rural Parishes.<sup>1</sup>

[The provisions of the 1892 Act concerning adoption have been repealed as regards urban authorities but have not been expressly repealed as regards rural parishes. By the *Local Government Act*, 1894,<sup>2</sup> however, the Libraries Acts can be adopted by a resolution passed at a parish meeting. Under this provision there should be a requisition by ten or more parish voters to the chairman of the parish meeting or council asking him to call a parish meeting to ascertain the opinion of the voters. The question, having been put to the meeting, is to be decided by the majority of those present and voting upon it, and that decision is to be final (*i.e.* until and unless formally rescinded by the same machinery) unless a poll is demanded. A poll may be demanded by any one parish voter, but the demand must be made before the conclusion of the meeting.<sup>3</sup> The poll must be taken in accordance with the provisions of the *Local Government Act*, 1894, and if the result of the poll is negative no further action can be taken for one year.]

[§ 4] **The Library Authority.**—In an urban district the urban authority (*i.e.* the council of the county borough or borough, the urban district council, or, according to the *London Government Act*, 1899,<sup>4</sup> the metropolitan borough council) is the library authority.

[By the *Local Government Act*, 1894,<sup>2</sup> the parish council is the library authority in a parish. If there is no parish council the parish meeting may appoint a committee<sup>5</sup> to administer the Acts, or sections 5 to 8 may be carried out as follows.]

[§§ 5 to 8] **Commissioners.**—The parish meeting may appoint commissioners from the parish voters to

<sup>1</sup> For county councils see 1919 Act, section 1; for urban authorities see 1919 Act, section 7; for London see 1892 Act, sections 21-22.

<sup>2</sup> Section 7 (7).

<sup>4</sup> Section 4.

<sup>3</sup> First Schedule to the Act named.

<sup>5</sup> See note on 1892 Act, section 15.



administer the Acts. Such commissioners become the library authority for the parish and shall meet at least once in every month.

[§ 9] **Neighbouring Parishes may Combine.**—Where the Acts are adopted by neighbouring parishes, two or more of the parishes may, by resolution of parish meetings, agree to combine for library purposes, sharing expenses as agreed. Government is then by a joint body of commissioners.

[Or a joint committee can be formed and given all powers except raising a rate or borrowing money. See section 10 below.]

[§ 10] **A Parish may be Annexed to a Neighbouring Library District.**—By consent of the voters by poll, a parish may be annexed for library purposes to a neighbouring library district which has adopted or contemplates adopting the Acts, if that district so agrees. The parish meeting must then appoint not more than six commissioners from the parish voters to be members of the library authority of the district.

[In addition to the provisions in sections 9 and 10 above, section 57 of the *Local Government Act*, 1894, provides that a parish or district council may agree with any other parish or district council or councils in appointing out of their respective bodies a joint committee for any purpose in which they are interested. The councils may agree to confer on such committee, with or without conditions or restrictions, any powers which would belong to the council if the purpose related exclusively to their own parish or district, but powers to borrow money or to make a rate shall not be delegated. The expenses incurred for the common purpose shall be defrayed by the councils in agreed proportions, or, in the case of difference, in proportions determined by the county council.]

[§ 11] **What a Library Authority may Provide.**<sup>1</sup>—A library authority may provide public libraries, museums and art galleries.<sup>2</sup>

May purchase or hire land; erect, take down, rebuild, alter, repair, and extend buildings, and supply them with all requisite furniture, fittings, and conveniences.

No charge shall be made for admission to the library or museum.

No charge shall be made for the use of the lending library by inhabitants of the district. The use of it may be granted to others either free or for payment.

[§ 12] **Land and Buildings.**—An *urban* library authority may, with the sanction of the Ministry of Health,<sup>3</sup> appropriate for library purposes any land or buildings which may be vested in that authority. Any library authority may, with the sanction of the Board of Education,<sup>3</sup> sell any land or buildings vested in them for library purposes, or exchange any such land or buildings for other land or buildings better adapted; but the money arising from the sale, or received in part exchange, shall be used for the purchase of other land or buildings better adapted for library purposes, or may be applied for library purposes approved by the Board of Education.<sup>3</sup> Any library authority may let a house or building, or any part of it, or any land vested in them for library purposes, if not at the time required for such purposes. The rents and profits must be used for library purposes.

<sup>1</sup> See also section 15 (p. 19).

<sup>2</sup> For the omission of schools for science and art see 1919 Act, section 8.

<sup>3</sup> The Act reads "Local Government Board," but on this point see p. 31 for the *Ministry of Health (Libraries, etc., Transfer of Powers) Order, 1920*.

[§ 15] **Management and Control.** — The library authority shall have general management, regulation, and control of libraries, museums, art galleries, and schools for science and art<sup>1</sup> provided under the Acts, and may provide therein books, newspapers, maps, and specimens of art and science, and cause the same to be bound and repaired when necessary. The library authority may appoint salaried officers and servants, and dismiss them, and may make regulations for the safety and use of the departments and for the admission of the public.

[It should be noted that no penalties are provided for breaches of the regulations.]

**Appointment of Committee and Delegation of Powers.** — An *urban* library authority may appoint a committee and delegate to it any or all of their powers as conferred by this section.<sup>2</sup> Persons appointed to the committee need not be members of the urban authority.

[By the *Local Government Act*, 1894, a parish council may appoint a committee consisting wholly or partly of

---

<sup>1</sup> For schools for science and art see 1919 Act, section 8; for museums see also 1919 Act, section 9.

<sup>2</sup> Where powers were definitely delegated under this provision, the committee might have executive action within such powers without any further confirmation of its actions by the urban authority—*i.e.* might be a reporting and not a recommending committee to this extent—but it must be noted that the provision is for the delegation only of such powers as come within section 15. For London metropolitan boroughs the provisions of the *London Government Act*, 1899 (section 8), are very definite. The committee appointed for library purposes by a metropolitan borough council may consist partly of persons not members of the council. The committee shall report their proceedings to the council, but, to the extent to which the council so direct, the acts and proceedings of the committee shall not require the approval of the council. The committee cannot, however, raise money by loan or by rate, or spend any money beyond the sum allowed by the council.

members of the council, and may give the committee such of its library powers as it thinks fit, but the acts of the committee must be submitted to the council for approval.<sup>1</sup> If there is no parish council, the parish meeting may appoint a committee from its own members, but the acts of the committee must be submitted to the parish meeting for approval.<sup>2</sup> For county library committees, see 1919 Act, section 3 (p. 26).

[§ 18] **Method of Raising the Library Rate.**—Expenses incurred under the Acts shall be defrayed where the library district is :

(a) *a municipal borough*,<sup>3</sup> out of the borough fund or borough rate, or a separate rate may be levied in like manner as the borough rate ;

(b) *an urban district other than a borough*, out of the rate levied for the *Public Health Acts* (i.e. the general district rate) ;

*a metropolitan borough*, out of the general rate levied under section 10 of the *London Government Act, 1899* ;

(c) *a parish*, out of a rate to be levied with and as part of the poor rate.<sup>4</sup>

[§ 19] **Borrowing Powers.**—Every library authority may, with the sanction of the Ministry of Health,<sup>5</sup> borrow money for library purposes on the security of any fund or rate applicable to library purposes.

[The provisions of the *Public Health Act, 1875*, relating to borrowing apply to all such loans, and, in the case of parishes, the provisions of the *Local Government Act*,

<sup>1</sup> Section 56 of the Act named.

<sup>2</sup> Section 19 of the Act named.

<sup>3</sup> The term municipal borough covers boroughs and county boroughs, but not metropolitan boroughs.

<sup>4</sup> Except that the assessment of agricultural land is reduced for the purposes of the library rate.

<sup>5</sup> See footnote 3, p. 18.



1894, apply as well. These further details concerning borrowing are dealt with on pp. 112-114. For county library authorities see section 1 of the 1919 Act.]

[§ 20] **Accounts.**—Separate accounts must be kept of receipts and expenditure for library purposes, and shall be audited like other accounts of the local authority. These accounts (except in municipal boroughs<sup>1</sup>) shall be open at all reasonable hours to inspection by any ratepayer within the district, and he may make copies and extracts.

[§ 21] **City of London Only.**—The City of London is a library district, the common council to be the library authority.<sup>2</sup> Expenses are to be paid out of the consolidated rate to be levied by the common council, or out of a separate library rate levied in like manner. The City of London was exempt from the limitation to the 1d. rate.

[§ 22] **London Districts.**

[This section is repealed by the *London Government Act*, 1899, which provides<sup>3</sup> that in a London metropolitan borough the borough council is the library authority, and that the Acts may be adopted in the same way as by any borough outside London—i.e. now by ordinary resolution of the council.<sup>4</sup>]

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<sup>1</sup> Where they may be inspected, as provided in the *Municipal Corporations Act*, 1882 (sections 27 and 233). See p. 111.

<sup>2</sup> The City of London (along with the metropolitan boroughs) had been authorised by the 1901 Act to adopt the Acts by resolution of the council, subject to certain provisions as to notice and publication; the 1919 Act (section 7) introduced the simple method of adoption by ordinary resolution for all urban authorities. The City of London adopted the Acts in 1922. Prior to that date the Guildhall Library was maintained out of corporate income without any charge falling on the rates.

<sup>3</sup> Section 4 of that Act.

<sup>4</sup> 1919 Act, section 7.



**PUBLIC LIBRARIES (AMENDMENT) ACT, 1893**

[This Act has almost entirely been repealed; the only important section remaining is section 4.]

[§ 4] **Two or More Neighbouring Urban Districts may Combine.**—Where the Acts are adopted by neighbouring urban districts, the library authorities of two or more of the districts may agree to combine for any period for library purposes, sharing expenses as agreed. A joint committee may be formed, each district appointing members (who need not be members of any of the authorities) in agreed proportions. The joint committee shall have such of the powers of a library authority, except that of borrowing money, as the combining authorities may agree to confer upon them.

**LIBRARY OFFENCES ACT, 1898 <sup>1</sup>**

[§ 2] Any person who, in a library or reading-room <sup>2</sup> as specified below, to the annoyance of any person using the same,

behaves in a disorderly manner;

uses violent, abusive, or obscene language;

bets or gambles;

after proper warning persists in remaining  
beyond the hours fixed for closing,

shall be liable on summary conviction to a penalty not exceeding 40s.

[§ 3] This Act applies to any library <sup>2</sup> under the Libraries Acts and also to libraries maintained by certain registered industrial or provident societies or by any registered trade union.

<sup>1</sup> The Act originally applied to England and Wales alone. It is extended to Ireland by the 1902 (Ireland) Act, section 7.

<sup>2</sup> Extended by the 1901 Act (section 4) to cover also museums, art galleries, and schools for science and art established in England and Wales under the Libraries Acts. It has never been

PUBLIC LIBRARIES ACT, 1901 <sup>1</sup>

[§ 3] **Power to make Byelaws.** — Any library authority may make byelaws for regulating the use of the buildings and contents, and protecting them from injury or misuse ; for requiring any guarantee from any person using them against the loss of, or injury to, any book or other article ; and for enabling the officers and servants of the authority to exclude or remove any person committing any offence against the byelaws or against the *Libraries Offences Act*, 1898.

Sections 182 to 186 of the *Public Health Act*, 1875, must be complied with (*i.e.* penalties must not exceed the prescribed maximum ; the byelaws must be submitted to and confirmed by the Board of Education <sup>2</sup> before they come into operation ; at least one month's notice of intention to apply for confirmation of the byelaws must be given in one or more newspapers circulating locally ; the proposed byelaws must be available for inspection, and copies must be supplied for a small payment ; the confirmed byelaws must be printed and hung up in the office of the authority, and

similarly extended to museums, etc., in Ireland, and penalties for corresponding offences in museums, etc., in Ireland can only be imposed if the offences infringe the common law or statute law, or if they are covered by byelaws made under the 1902 (Ireland) Act, section 8.

<sup>1</sup> As a point of interest it may be mentioned that the full title of this Act reads : " An Act to amend the Acts relating to public libraries, museums and gymnasiums, and to regulate the liability of managers of libraries to proceedings for libel." The Bill originally included clauses aimed to give protection to managers of libraries in cases where books for use in, or circulation from, the library contained libellous matter. The clauses were, however, deleted during the passage of the Bill but the title was never altered. Section 3 of the Act was applied to Ireland by the 1902 (Ireland) Act, section 8.

<sup>2</sup> See footnote 3, p. 18.

a copy must be delivered to any ratepayer who makes application.)

Offenders against the byelaws may be prosecuted in a court of summary jurisdiction.

**[§ 4] Offences in Museums, Art Galleries, and Schools.**—The *Libraries Offences Act*, 1898, applies to museums, art galleries, and schools under the principal Act.<sup>1</sup>

**[§ 5] Agreements between Library Authorities for Use of Library.**—The library authorities of any two or more library districts may agree to share, in proportions and for a period as may be determined, the cost of the establishment and maintenance of any library in one of those districts, and may agree as to the use of the library and interchange of books.

This section applies also to museums, art galleries, and schools for science and art.<sup>1</sup>

**[§ 6] Library Expenses in Parishes.**—The amount required for library purposes in a parish library district shall be paid over by the overseers on the order of the library authority without the annual sanction of the parish meeting. In a parish in a rural district the sanction shall be required in 1911 and every tenth year.

[But by the *Local Government Act*, 1894,<sup>2</sup> a parish council cannot, without the consent of a parish meeting, incur expenses involving a rate exceeding 3d. in the £ or involving a loan. This in effect may still amount to a rate limitation despite the removal of statutory limitation by the 1919 Act—*i.e.* although the parish council is the library authority, this provision enables a parish meeting to restrict the parish council's expenditure.]

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<sup>1</sup> For schools for science and art see 1919 Act, section 8 ; for museums see also 1919 Act, section 9.

<sup>2</sup> Section 11.

[§ 8] **Notice of Adoption of the Acts.**—On adoption of the principal Act notice must be given in writing to the Board of Education and the Ministry of Health.<sup>1</sup>

## PUBLIC LIBRARIES ACT, 1919

[§ 1] **County Councils may Adopt the Libraries Acts.**—Any county council may, by ordinary resolution, adopt the Acts for the whole or any part of the county, exclusive of county boroughs<sup>2</sup> and districts where there is a library authority functioning.<sup>3</sup> The area specified in the resolution becomes a library district and the county council becomes the library authority for that district. The local authorities other than the two classes just named lose the power to act as library authorities themselves except as under section 5 (p. 27).

**Borrowing Powers.**—A county library authority may, with the sanction of the Ministry of Health, borrow money for library purposes on the security of the county fund or any revenues of the council.

[The provisions of the *Local Government Act*, 1888, apply (with certain modifications) to such loans. These further details concerning borrowing are dealt with on pp. 112-114.]

[§ 2] **Relinquishment of Library Powers to the County Council.**—With the approval of the Board of Education, existing library authorities other than those of county boroughs may, by arrangement, relinquish

<sup>1</sup> See footnote 3, p. 18,

<sup>2</sup> County boroughs are not specifically mentioned in this section, but a county borough by its constitution is not part of the area under the powers of a county council.

<sup>3</sup> Expenses must have been incurred within the last preceding financial year in the districts where the Libraries Acts have been adopted.



any of their library powers and duties to the county council. The county council takes over from an authority which so relinquishes its library powers, all library property, rights, and liabilities concerned with those powers.

**[§ 3] Reference and Delegation of Library Powers to Education Committees.**—When the Acts are adopted by a county council or by the council of a county borough,<sup>1</sup> all matters relating to the exercise of library powers (except raising a rate or borrowing money) shall stand referred to the education committee of the county or county borough, and the authority shall, unless they think the matter urgent, receive and consider the report of the education committee before exercising their library powers.

Any library authority which is a county council or the council of a county borough<sup>2</sup> may refer any matter relating to the exercise of library powers to the education committee, and may delegate to the education committee any of those powers (except raising a rate or borrowing money).

The education committee may then (subject to any directions of the council) delegate all or any of such powers to a sub-committee consisting wholly or partly of members of the education committee.<sup>2</sup>

**[§ 4] Repeal of Rate Limitation.**—Section 2 of the *Public Libraries Act*, 1892, is repealed. There is now no statutory limitation of the library rate, but if any library authority itself limits the rate for its own

<sup>1</sup> The Act reads: "an authority . . . which is the local education authority for Part II. of the Education Act, 1902." On this see p. 30.

<sup>2</sup> Members of the education committee, by the constitution of that committee, are not necessarily members of the council of the county or county borough.



district such limitation cannot be rescinded for twelve months.

**Expenses.**—Expenses incurred under the Libraries Acts by a county council shall be defrayed out of the county fund.

The county council may charge any library expenses on any parish or parishes which they consider are served by any library provided by the county council. But the county council must first give reasonable notice to the overseers of a parish, and must consult the council of any metropolitan borough, borough, or urban district in the case of any areas within such boroughs or districts. No such expenses shall be charged against any part of an existing library district without the concurrence of the library authority of that district.<sup>1</sup>

**Audit.**—The library accounts of a county council shall be audited by the district auditor.<sup>2</sup>

[§ 5] **Rescinding of the Library Resolution.**—In the interests of improved library service in any borough, urban district, or parish, a county council may apply to the Board of Education for an order rescinding the library resolution of the county council as regards that district. From the date specified in any resulting order made by the Board of Education the district would be restored to the same position respecting the Libraries Acts that it was in before the county council library resolution was passed. The order of the Board of Education may contain provisions for the transfer of property, rights, and liabilities, but no liabilities

<sup>1</sup> “It is clear that county council library service in areas situate within boroughs, urban districts, and metropolitan boroughs should only be made by arrangement.”—Macleod : *County Rural Libraries* (1923), p. 92.

<sup>2</sup> For meaning of “district auditor” see p. 109.

shall be transferred to the library authority of the particular district without the consent of that authority.

**[§ 6] County and County Borough Library Authorities may Purchase Land Compulsorily.**—A library authority which is a county council or the council of a county borough<sup>1</sup> may be authorised to purchase land compulsorily for library purposes in the same manner as they are authorised to purchase land compulsorily for education purposes.

[Section 34 of the *Education Act*, 1918, authorised local education authorities to purchase land compulsorily for education purposes by means of an order submitted to, and confirmed by, the Board of Education. The procedure must comply with certain provisions set out in the *Education Act* and in the *Housing, Town Planning, etc., Act*, 1909.]

**[§ 7] Adoption of the Libraries Acts by Urban Authorities.**—For any urban authority (*i.e.* county borough, borough, metropolitan borough, or urban district council) the method of adopting the Acts is now by ordinary resolution of the council.

**[§ 8] Schools for Science and Art.**—Originally under the 1892 Act (section 11) schools for science and art could be provided by the library authority. That power now ceases, but any existing school already established under the Acts may continue to be maintained by the library authority.

**[§ 9] Museums.**—Under the 1892 Act (section 11) museums can be provided by library authorities, but the *Museums and Gymnasiums Act*, 1891,<sup>2</sup> authorised urban authorities<sup>3</sup> in England and Wales and in

<sup>1</sup> See footnote 1, p. 26.

<sup>2</sup> See Appendix II.

<sup>3</sup> Originally exclusive of the administrative county of London, but extended to the administrative county by the 1901 Act, section 13.

Ireland to establish and maintain museums apart from the Libraries Acts. No new museum may now be established in England and Wales under the *Museums and Gymnasiums Act*. Any existing museum already established under that Act may be maintained, but if it has been provided for a library district it shall be transferred to the library authority and maintained as though it had been provided under the Libraries Acts.

### OTHER STATUTORY ENACTMENTS AFFECTING LIBRARIES, ETC.

*Malicious Damages Act, 1861*.—In addition to the foregoing Acts for England and Wales the *Malicious Damages Act, 1861*,<sup>1</sup> has important provisions which concern libraries, museums, and art galleries. Section 39 of the Act applies to these institutions, and protects books, manuscripts, prints, or anything kept for the purpose of art, science, or literature, from unlawful and malicious destruction or damage. It provides a penalty not exceeding six months' imprisonment with or without hard labour, and, in the case of a male under the age of sixteen, with or without whipping. This section of the Act is often printed and exhibited in libraries and reading-rooms as a warning to wrongdoers.

Section 52 of the same Act also has provisions which can be applied to libraries and other institutions. It protects "any real or personal property whatsoever, either of a public or private nature," against wilful or malicious damage or injury. Proceedings under this section are to be summary proceedings before magistrates, and the penalty is imprisonment, with or without hard labour, for a term not exceeding two months, or

<sup>1</sup> This Act applies also to Ireland.

a fine not exceeding £5, with the addition of costs (not exceeding £5) of the damage done.

*The Local Education Authority for Part II. of the Education Act, 1902.*—The phrase “Local Education Authority for Part II. of the Education Act, 1902,” appears several times in the *Public Libraries Act, 1919*.<sup>1</sup> The reference is to a division of the 1902 Education Act, of which

Part I. deals with the local education authority,

Part II. „ higher education,

Part III. „ elementary education,

Part IV. „ general matters.

A “Part II. Authority” (as the term is sometimes used) is therefore the authority for the local *higher* education. By section 1 of this Education Act, however, the council of every county and of every county borough is the local education authority for both higher and elementary education, but non-county boroughs and urban districts of a certain size may become their own local elementary (not higher) education authorities. Thus, only a county council and the council of a county borough may become “The Local Education Authority for Part II. of the Education Act, 1902,” and it is these councils only which are authorised by the 1919 Libraries Act to refer and delegate library powers to their education committees.

*Various Education Acts since 1902.*—Various Education Acts passed since 1902 have some bearing on libraries. These Acts have led in a number of districts to some degree of co-operation between the local education and library committees. Where action has

<sup>1</sup> See footnote to section 3 of the 1919 Act.



been taken it has, in the majority of instances, merely meant that the education authorities, authorised under these Acts to co-ordinate all forms of education, have undertaken in varying degrees, either by fixed annual grants or otherwise, the cost of the books for children in school libraries or children's libraries. But the provisions of the Acts are capable of wider interpretation where such a course is desired, and in some localities<sup>1</sup> the public libraries committee and the education committee are made up of the same members. In other cases<sup>2</sup> joint committees have been set up for questions concerning the provision of books or library facilities for children.

The constitution of the libraries committee and the education committee out of the same personnel in the cases just referred to is a somewhat different thing from the delegation of library powers to the education committee itself as permitted in counties and county boroughs by the 1919 Act.<sup>3</sup> In the former case the identity of the libraries committee is fully preserved and the chief officer is the librarian, whilst in the latter case there is a tendency for the libraries committee to become submerged in the education committee and for the secretary of education to be regarded as the chief officer. The question is considered further in the section dealing with Statutory Provisions linking up Education Committees with Public Libraries.<sup>4</sup>

*The Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920.*—All the powers and duties of the Local Government Board were transferred to the Ministry of Health

<sup>1</sup> *E.g.* Wandsworth and Halifax.

<sup>2</sup> *E.g.* Wimbledon, Cardiff, Gateshead.

<sup>3</sup> Section 3.

<sup>4</sup> See p. 92.



created by the *Ministry of Health Act*, 1919; this Act, however, provided that Orders in Council could be made transferring from the Ministry of Health to any other Government Department any powers and duties which were not incidental to health questions. *The Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order*, 1920, is an Order in Council made under this provision, and transfers to the Board of Education some, but not all, of the powers and duties concerning public libraries, museums, and gymnasiums which were held by the Minister of Health as the successor to the Local Government Board.

The powers transferred to the Board of Education include :

Under the Libraries Acts :

1. The approval of byelaws (1901 Act, section 3).
2. The sanction of the sale of land or buildings (1892 Act, section 12).

Under the Museums and Gymnasiums Act, 1891<sup>1</sup> :

1. The approval of byelaws (section 7).
2. The consent to the sale of a museum or gymnasium (section 12).
3. The approval of the application of moneys from such sale, so far as museum, gymnasium, library, or educational purposes are concerned (section 12).

The powers not transferred, and therefore remaining with the Ministry of Health, are :

1. The sanction of the appropriation of land (1892 Act, section 12).
2. The sanction of the borrowing of money (1892 Act, section 19).

<sup>1</sup> See Appendix II.

The powers of local authorities are very largely concerned with matters directly and indirectly affecting public health. It will be appreciated, therefore, that these two questions may conceivably concern public health matters (land might be appropriated for library purposes although it might be required to make some particularly needed contribution towards the physical health of the district, or a heavy library debt might restrict expenditure on some important health undertaking), and this may be accepted as the explanation of the central control, so far as these two points are concerned, still remaining vested in the Ministry of Health.

By this same Order notice of the adoption of the Libraries Acts <sup>1</sup> must be given to the Board of Education in addition to the Ministry of Health.

## SCOTLAND

### PUBLIC LIBRARIES CONSOLIDATION (SCOTLAND) ACT, 1887

#### (THE PRINCIPAL ACT FOR SCOTLAND)

[§ 4] **Adoption of the Act in Parishes.**<sup>2</sup>—Ten or more householders in any parish may request in writing the sheriff of the county to ascertain the opinions of the householders in the parish as to the adoption of the Act. He must then do so by poll or public meeting.

[§ 5] **Result of Poll.**—If the result of the parish poll

<sup>1</sup> As required by the 1901 Act, section 8.

<sup>2</sup> For method of adoption of the Act in burghs see 1894 (Scotland) Act, section 2.

is in favour of the adoption of the Act, the Act shall come into operation forthwith. If the poll is negative, no further poll can be taken for two years.

[§ 7] **Method of Raising the Library Rate.**—Expenses incurred under the Act shall be paid out of the library rate to be levied in a burgh by the magistrates and council,<sup>1</sup> and in a parish by the parish council.<sup>2</sup>

[§ 8] **Rate Limitation.**—The maximum library rate was limited to 1d. in the £.

[Increased to 3d. in the £ by 1920 (Scotland) Act, section 1.]

[§ 9] **Accounts.**—Separate accounts must be kept of library receipts, payments, and liabilities, and must be available free at all reasonable times to inspection by any person liable to the library rate. These accounts must be audited annually,<sup>3</sup> and an abstract must be inserted in one or more newspapers circulating locally.

[§ 10] **What may be Provided. Lands and Buildings.**—The library authority<sup>4</sup> may provide public libraries, museums, art galleries, and schools for science and art; and for such purposes may appropriate any lands or buildings which may be vested in them; may purchase or rent land or suitable buildings; may erect, alter, extend, and repair buildings; and may supply them with all necessary furniture, fittings, and conveniences.

[§ 12] **Sale of Lands.**—The library authority may sell any lands, buildings, or other property vested in them for library purposes, or exchange any such for

<sup>1</sup> The term “magistrates and council” is to be taken collectively and not separately.

<sup>2</sup> *Local Government (Scotland) Act, 1894, section 21.*

<sup>3</sup> “As part of the accounts of the rating authority”—1920 (Scotland) Act, section 1.

<sup>4</sup> *I.e.* the magistrates and council in a burgh, or the parish council in a parish. See section 7 above.

other land, buildings, or property better adapted for library purposes. The money arising from the sale, and the property received in exchange, shall be applied for library purposes.

[§ 14] **Borrowing Powers.**—The library authority may borrow for library purposes on the security of the library rate up to a maximum of one-fourth of the library rate capitalised at twenty years' purchase—*i.e.* the money borrowed must not exceed five times the library rate.

[§ 15] **Repayment of Loans.**—The library authority must set apart each year, as a sinking fund for the extinction of loans, a sum equal to at least one-fiftieth part of the money borrowed. This fund may be invested until required for the repayment, but shall be used for no other purpose.

[§ 16] **Commissioners Clauses Act, 1847.**—The provisions of the *Commissioners Clauses Act, 1847*, protecting the person, private lands, and goods of the members of the local authority from any liability for actions taken in their lawful official capacity, providing for the method of legal proceedings involving the local authority, and prescribing the forms and methods to be employed concerning mortgages, are incorporated as part of the present Act, and shall apply to members of the library authority and library committee.

[§ 18] **Committee.**—The library authority must annually appoint a committee of from ten to twenty members, half from their own numbers and half from other local householders. Three members shall form a quorum.

[§ 20] **Meeting of Committee.**—The committee in a burgh shall meet at least once in every three months, and in a parish shall meet as often as is necessary.



[§ 21] **Powers of the Committee.**—The committee shall manage, regulate, and control all institutions<sup>1</sup> established under the Act, and shall have power to do all things necessary for such management, including power to

appoint sub-committees from their own numbers ;  
appoint and dismiss salaried officers and servants ;  
purchase books, newspapers, periodicals, engravings, maps, specimens of art or science, and such other articles as may be necessary, and do all things necessary for keeping them in repair ;

provide fuel, lighting, etc. ;

sell or exchange books, works of art, or other duplicates, the money or property received from such action to be applied for library purposes ;

lend books to householders and inhabitants, and, if desired, to inmates of institutions provided in or for the locality, and to persons employed in the district<sup>2</sup> ;

print and sell catalogues and reports of their proceedings, the receipts to be applied for library purposes.

[§ 22] **Byelaws.**—The committee may make byelaws on any matters concerning the control, management, protection, and use of the departments and contents, and may impose penalties for breaches, not exceeding £5 for each offence. They may also alter or repeal any such byelaws. Except in so far as the byelaws relate only to the officers and servants of the committee, they must be approved by the library

<sup>1</sup> See section 10 (p. 34).

<sup>2</sup> See also section 32 (p. 37).



authority and approved and confirmed by the sheriff of the county.

[§ 23] At least one month's notice of intention to apply for the confirmation of byelaws, or of alterations which require confirmation, must be published in one or more newspapers circulating locally, and objections may be lodged and heard.

[§ 24] Also for at least one month beforehand copies of the proposed byelaws or alterations must be displayed in each of the institutions, and copies must be supplied on request at a small payment.

[§ 25] When the byelaws have been confirmed, a free printed copy shall be given to every person applying for one, and a copy shall be painted or displayed on conspicuous boards in each of the institutions.

[§ 28] Penalties under the Act or byelaws are recoverable by an ordinary small-debt action before the sheriff or justices. Penalties shall be payable to the committee and applied for library purposes.

[§ 30] **Estimate.**—The committee shall make an annual estimate of the money required for library purposes, and the library authority shall provide this amount out of the library rate and pay it over to the committee.

[The estimate must, of course, come within the limitation fixed for the rate by the 1920 (Scotland) Act, section 1.]

[§ 32] **Free Admission and Loan of Books.**—Libraries, museums, and art galleries established under the Act shall be open to the public free of charge, and no charge shall be made for the use of books or magazines issued for home reading.

## PUBLIC LIBRARIES (SCOTLAND) ACT, 1894

[§ 2] **Adoption of the Act in Burghs.**—The principal Act may be adopted in burghs by resolution of the magistrates and council.<sup>1</sup>

[§ 3] **Notice of Resolution.**—One month's notice of intention to propose the resolution must have been given, and the resolution, after having been passed, must be published by advertisement in at least one newspaper circulating locally. It shall not come into operation for at least one month after this publication.

## PUBLIC LIBRARIES (SCOTLAND) ACT, 1899

[§ 1] **Neighbouring Burghs or Parishes may Combine.**—Two or more neighbouring burghs or parishes which have adopted the Acts may combine for any period for library purposes, sharing expenses as agreed.

[§ 2] **Committee.**—In such cases the committee<sup>2</sup> shall be appointed by each burgh or parish in agreed proportions, and shall have all the powers and duties belonging to the committee appointed for a single burgh or parish.

## PUBLIC LIBRARIES (SCOTLAND) ACT, 1920

[§ 1] **Rate Limitation.**—The maximum library rate is now 3d. in the £.

**Accounts.**—Library accounts shall be audited as part of the accounts of the local rating authority.

<sup>1</sup> See footnote 1, p. 34.

<sup>2</sup> See 1887 (Scotland) Act, section 18.

OTHER STATUTORY ENACTMENTS  
AFFECTING LIBRARIES

*Education (Scotland) Act, 1918.*—There are no provisions concerning county libraries in any of the Scottish Libraries Acts corresponding with those contained in the 1919 (England and Wales) Act. The Scottish county education authorities, however, have power to provide books for the county areas. These powers come from the *Education (Scotland) Act, 1918*, of which section 5 reads :

“ It shall be lawful for the education committee of a county, as an ancillary means of promoting education, to make such provision of books . . . as they think desirable, and to make the same available not only to the children and young persons attending schools or continuation classes in the county, but also to the adult population resident therein.

“ For the purposes of this section an education authority may enter into arrangements with public libraries, and all expenses incurred by an education authority for those purposes shall be chargeable to the county education fund.”

It is provided, however, that burghs or parishes with rate-supported libraries may deduct the amount of their own library rate from whatever amount is levied by the county authority to cover this book provision—*i.e.* no rate for library purposes can really be levied by the county authority on such burghs or parishes until the county rate for library purposes exceeds the corresponding burgh or parish rate, when the excess becomes leviable.

Under the same Act <sup>1</sup> an education authority may appoint a committee, consisting wholly or partly of its own members,<sup>2</sup> to administer the county library service.

The education authorities in Scotland are those established for each of the counties and for each of the four burghs of Glasgow, Edinburgh, Dundee and Aberdeen. In connection with the question of rate limitation it should therefore be recognised that this Act is, for existing library areas other than the four burghs just named, a possible means of increasing library facilities to some degree beyond those possible under the rate limitation of the 1920 (Scotland) Act, and that the extended facilities would be provided out of county education funds.

## IRELAND

THE establishment of the Irish Free State left Irish library law practically unaffected. The *Irish Free State Constitution Act*, 1922 (Article 73), definitely provides :

“ Subject to this Constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Irish Free State . . . at the date of the coming into operation of this Constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Oireachtas [*i.e.* the Legislature of the Irish Free State].”

<sup>1</sup> Second Schedule, clause 11.

<sup>2</sup> Co-option is here permissive only. Cf. 1887 (Scotland) Act, section 18, where it is compulsory.

The position is the same for Northern Ireland. The *Government of Ireland Act*, 1920 (section 61), is still operative for Northern Ireland, and provides :

“All existing laws, institutions, and authorities in Ireland . . . shall, except as otherwise provided by this Act, continue . . . subject . . . as respects matters within the powers of the Parliament(s) of . . . Northern Ireland . . . to repeal, abolition, alteration, and adaptation in the manner and to the extent authorised by this Act.”

The whole of the previous Irish library legislation was therefore inherited by the two Irish Governments, each of which has power to pass amending or repealing Acts for its own area. Northern Ireland has passed the *Public Libraries Act (Northern Ireland)*, 1924,<sup>1</sup> and the Irish Free State has passed a Local Government Act<sup>2</sup> which includes provisions concerning libraries.

## PUBLIC LIBRARIES ACT (IRELAND), 1855

(THE PRINCIPAL ACT FOR IRELAND)

### [§ 4]

[The Act originally applied only to incorporated boroughs and towns, and this section provided for the adoption of the Act in those places. The section was repealed and replaced by the 1894 (Ireland) Act, section 1. See that Act, the 1902 (Ireland) Act, section 2, the 1924 (Northern Ireland) Act, section 1, and the 1925 Local Government Act (Irish Free State) section 65, for method of adopting the Acts and the constitution of the library authority.]

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<sup>1</sup> Summarised on pp. 48-52.

<sup>2</sup> *Irish Free State: Local Government Act*, 1925, summarised on pp. 52-56.



[§ 5] **Method of Raising the Library Rate.**—Library expenses shall be paid out of the borough or town fund or rate, or a separate rate may be levied in like manner as the borough or town rate. Separate accounts shall be kept of library receipts, payments, and liabilities.

[§ 6] **Accounts.**—Library accounts are to be audited like other accounts of the local authority, and within one month of the audit the authority shall forward a true copy to the Lord Lieutenant or other Chief Governor or Governors of Ireland. The accounts are to be open to inspection by local householders, who can obtain copies on payment of a reasonable fixed charge.

[§ 8] **Rate Limitation.** The maximum library rate was limited to 1d. in the £.

[This maximum was increased by the 1920 (Ireland) Act, section 1. For county areas in Northern Ireland see 1924 (Northern Ireland) Act, section 3.]

[§ 9] **Land and Buildings.**—The library authority<sup>1</sup> may, with the approval of the Treasury, appropriate for library purposes any land which may be vested in that authority; may, with the same approval, purchase or rent any lands or suitable buildings; may erect buildings suitable for public libraries, museums, art galleries,<sup>2</sup> schools of science or art; may alter or

<sup>1</sup> The local authority for library purposes is, by this Act and the 1894 (Ireland) Act, the council or board of municipal commissioners in an incorporated borough and the town commissioners in a town; by the 1902 (Ireland) Act, section 3, the rural district council was the library authority in a rural district, but see the note on that section. In Northern Ireland the library powers of rural district councils have now been taken over by the county councils, and in the Irish Free State all rural district councils (except in the county of Dublin) cease to exist from 1st October 1925, their powers and duties being transferred to the county councils.

<sup>2</sup> Art galleries were not specifically named in this section, but the *Public Libraries Act*, 1884, explains the section as including art galleries.

extend buildings; and may supply them with all necessary furniture, fittings, and conveniences.

[§ 11] **Sale of Land and Buildings.**—The library authority may, with the approval of the Treasury, sell any lands vested in them for library purposes, or exchange any such lands for others better adapted for library purposes, but the money arising from the sale, or received in part exchange, shall be used for the purchase of other lands better adapted.

[§ 12] **Management: What a Library Authority may Provide.**—The library authority, or such committee<sup>1</sup> as they shall appoint, shall have general management, regulation, and control of all institutions<sup>2</sup>; may purchase fuel and lighting, etc., books, newspapers, maps, specimens of art and science, and may have them bound and repaired; may appoint and dismiss salaried officers and servants; and may make rules and regulations for the safety and use of the institutions and for the admission<sup>3</sup> of the public.

[It should be noted that no penalties are provided for breaches of the rules and regulations.]

[§ 15] **Admission.**—Admission to libraries and museums shall be free of all charge.

## PUBLIC LIBRARIES (IRELAND) AMENDMENT ACT, 1877

[§ 3] **Schools of Music.**—The terms “science and art” and “schools of science and art” in the 1855 Act are to cover music. Schools of music may therefore

<sup>1</sup> See also 1877 (Ireland) Act, section 4; 1924 (Northern Ireland) Act, section 1.

<sup>2</sup> See section 9 (p. 42).

<sup>3</sup> Which must be free; see section 15 above.

be established and maintained, teachers' salaries paid, and musical instruments, books, and other requisites provided.

[§ 4] **Co-opted Members of Committees.**—The library committee<sup>1</sup> may consist in part of persons not members of the library authority.<sup>2</sup>

[§ 5] **Borrowing Powers.**—The library authority may, with the approval of the Treasury commissioners, borrow "such sums of money as may be . . . required" for library purposes on the security of the borough or town fund or library rate.

[For county areas in Northern Ireland see 1924 (Northern Ireland) Act, section 1.]

## PUBLIC LIBRARIES (IRELAND) ACT, 1894

[§ 1] **Adoption of the Act; Constitution of the Library Authority.**—In any urban district (*i.e.* an incorporated borough or town)<sup>3</sup>:

(a) The 1855 (Ireland) Act may be adopted, and the limitation of the rate may be fixed, raised, and removed (always within the legal maximum) by resolution of the local authority.<sup>2</sup> One month's notice of intention to propose the resolution must have been given. The resolution must be published by advertisement in at least one newspaper circulating locally, and notice of it must be posted at certain public places. It shall not come into operation for at least one month

<sup>1</sup> See also 1924 (Northern Ireland) Act, section 1.

<sup>2</sup> For library authority see footnote to 1855 (Ireland) Act, section 9.

<sup>3</sup> For county areas in Northern Ireland see 1924 (Northern Ireland) Act, section 1; for county areas in the Irish Free State see 1925 Local Government Act (Irish Free State), section 65.

after this publication. A copy of the resolution must be sent to the Ministry of Local Government in the Irish Free State, or to the Ministry for Home Affairs for Northern Ireland.<sup>1</sup>

(b) Twenty or more local electors, or the urban authority, may request in writing the mayor or chairman of the authority to ascertain the opinion of the electors. He must then do so by ballot. The requisition may cover the adoption of the Act and limitation of the rate.

If the result of the poll is in favour of the adoption of the Act, the Act is adopted by the declaration of the poll, and shall be carried out by the urban authority.<sup>2</sup> A poll having been taken, another one cannot be taken for one year.<sup>3</sup>

(c) If the urban authority fails to pass the resolution mentioned under (a), action as under (b) can still be taken.

[§ 2] **Commissioners.**—If the above poll was positive, and if after six months the Government Department concerned with public libraries<sup>1</sup> thinks the urban

<sup>1</sup> The Act reads: "Local Government Board," but the Government Departments given above appear to be those concerned with public libraries under the new Constitution.

<sup>2</sup> The council or board of municipal commissioners in an incorporated borough and the town commissioners in a town.

<sup>3</sup> There was a general *Public Libraries Amendment Act, 1877*, applying to the whole of the British Isles, which provided for a poll as to the adoption of the Libraries Acts and the fixing of a rate limit lower than the statutory maximum. It stipulated that such a limit fixed by poll could not be altered except by a similar poll. The Act has been repealed for England and Wales; for Scotland the provisions of the 1887 (Scotland) Act must be taken in substitution; for Ireland it has not been repealed but it is really superseded by section 1 of the 1894 (Ireland) Act and by the enactments as mentioned in the note under sections 2 to 4 of the 1902 (Ireland) Act.



authority have not taken proper steps to put the Act into operation, the Department may, on the application of ten or more electors, appoint five commissioners from the electors to carry out the Act. These library commissioners become the library authority and hold office for such time as the Department directs.

[§ 3] **Neighbouring Districts may Combine.**—Where the Acts are adopted by two or more neighbouring districts, the library authorities of those districts may agree to combine for any period for library purposes, sharing expenses as agreed. A joint committee may be formed, each district appointing members (who need not be members of any of the authorities) in agreed proportions. The joint committee shall have such of the powers of a library authority, except that of borrowing money, as the combining authorities may agree to confer upon them.

[§ 4] **Outsiders may borrow Books.**—A library authority may grant the use of a lending library to persons other than inhabitants of the district, either free or for payment.

[§ 5] **Power to let Buildings and Land.**—A library authority may let a house or building, or any part of it, or any land vested in them for library purposes, if not at the time required for such purposes, and shall apply the rents and profits for library purposes.

[§ 7] **Agreements between Authorities for Use of Library.**—The library authorities in any two or more library districts may agree to share, in proportions and for a period as may be determined, the cost of the establishment and maintenance of a library, museum, art gallery, or school for science and art, in any one of those districts.



**PUBLIC LIBRARIES (IRELAND) ACT, 1902**

**[§§ 2 to 4] Rural District Councils as Library Authorities**

[Section 2 authorised rural district councils to adopt the principal Act in accordance with section 1 (*a*) of the 1894 Act ; section 3 provided that the rural district council was to be the library authority for the rural district, even if there was within the district a town with town commissioners (though the library resolution could be rescinded and this provision would then cease to have effect until the rural district council should pass a new resolution) ; section 4 provided that the library expenses of a rural district council should be raised equally over the rural district and supplied by the county council as part of the expenses of the rural district council.

These provisions have been repealed for Northern Ireland ; more recent legislation renders them ineffective in the Irish Free State. The 1924 (Northern Ireland) Act, section 1, handed the library powers of rural district councils over to the county councils, and the 1925 Local Government Act (Irish Free State), section 2, provides that on and after 1st October 1925, all rural district councils throughout the Irish Free State (with the exception of the county of Dublin) cease to exist, their powers and duties automatically becoming vested in the county councils.]

[§ 5] **Use of Schools as Libraries.** — Any library authority may make agreements with the managers of any school for the use of the school as a library, and for the care of the books and management of the library.

[§ 6] **County Councils in the Irish Free State may make Grants.**—Any county council in the Irish Free State may make grants from its technical education funds to a library authority towards book-purchase or library maintenance.<sup>1</sup>

<sup>1</sup> This provision is therefore a possible means of increasing library facilities in the Irish Free State to some degree beyond

[§ 7] **Library Offences Act.**—The *Library Offences Act*, 1898, applies to any library under the Acts.<sup>1</sup>

[§ 8] **Byelaws.**—The provisions of the 1901 (England and Wales) Act<sup>2</sup> enabling a library authority to make byelaws shall apply to Ireland.

## PUBLIC LIBRARIES (IRELAND) ACT, 1920

[§ 1] **Rate Limitation.**—The rate limitation is now 3d. in the £, but any county borough may, with the consent of the Government Department concerned with libraries,<sup>3</sup> exceed this limit by not more than another 3d. in the £.

[For the limitation of the rate in areas in Northern Ireland where the county council is the library authority see 1924 (Northern Ireland) Act, section 3.]

## PUBLIC LIBRARIES ACT (NORTHERN IRELAND), 1924

[This Act applies only to Northern Ireland—*i.e.* to the counties of Antrim, Down, Londonderry, Armagh, Tyrone, and Fermanagh.]

[§ 1] **County Councils may Adopt the Libraries Acts.**—A county council may, by ordinary resolution, adopt the Acts for any or all of the rural districts

what is possible under the rate limitation of the 1920 (Ireland) Act, section 1. The application of this section to Northern Ireland was repealed by the 1924 (Northern Ireland) Act, section 1.

<sup>1</sup> It has never been extended to cover museums, art galleries, and schools for science and art established in Ireland under the Libraries Acts. See footnote 2 on p. 22.

<sup>2</sup> See section 3 of that Act. Approval of byelaws in Ireland would appear to rest with the Minister for Local Government in the Irish Free State and with the Minister for Home Affairs in Northern Ireland. See footnote 1 on p. 45.

<sup>3</sup> See footnote 1 on p. 45.

within the county. All the provisions of the Public Libraries Acts for Ireland, except sections 1 and 2 of the 1894 (Ireland) Act, shall then apply (with the necessary modifications) to the county council as the library authority for the area specified in the resolution, to the exclusion of the council of any rural district within that area.

**Library Powers of Rural District Councils shall Cease.**—The powers of any rural district council to adopt or carry into execution the Acts shall cease; and where any rural district council was, immediately before the passing of this Act, functioning as a library authority, the council of the county in which the rural district is situated shall be deemed to have adopted and shall carry out the Acts for that district.

**Appointment of Committee.**—The county council shall appoint a county library committee as stipulated in the schedule to this Act, but the acts of the committee must be submitted to the county council for approval.

[The schedule at the end of the Act states that the county library committee shall consist of the following persons :

- (a) chairman and vice-chairman of the county council ;
- (b) three members of the council (of whom the chairman shall be one) of each rural district for which the county council is functioning as the library authority ;
- (c) one member of the council of each urban district and one commissioner of each town where library powers and duties have been relinquished to the county council ;
- (d) an additional number of members of the county council equal to the number of rural and urban districts and towns for which the county council is functioning as the library authority ;

The county library committee may co-opt, in addition, further members (who must not be members of any local authority in the county), not exceeding in number one for each rural and urban district and town for which the county council is functioning as the library authority.]

**Borrowing Powers.**—A county council which has adopted the Acts may borrow money for library purposes as for the purposes of the *Local Government (Ireland) Act*, 1898.

[The conditions of borrowing correspond roughly with those operative in England and Wales ; these are dealt with on pp. 112-114.]

**Repeal of Sections of the 1902 (Ireland) Act.**—Sections 2, 3, 4, and 6 of the 1902 (Ireland) Act are repealed for Northern Ireland.

[§ 2] **Relinquishment of Library Powers to the County Council.**—With the approval of the Ministry of Home Affairs for Northern Ireland, existing library authorities of any urban district or town may, by agreement, relinquish all or any of their library powers and duties to the county council. Such powers and duties shall then be carried out by the county council as the library authority for that area.

**Resumption of such Powers.**—In the interests of improved library service in any urban district or town which has so relinquished any library powers and duties, the county council and the council or commissioners of the urban district or town may at any time jointly apply to the Ministry of Home Affairs for Northern Ireland for an Order rescinding the agreement as affecting that urban district or town. The Ministry may then make an Order accordingly,



and, from any date specified in the Order, the council of the urban district or the commissioners of the town shall resume and carry out such powers and duties as the library authority for the area.

[§ 3] **Expenses.**—Expenses incurred by a county council under the Acts shall be defrayed out of the county fund, and shall be raised by means of the poor rate equally over the county districts and towns for which the county council is functioning as the library authority.

**Rate Limitation.**—The amount which can be raised by rate for these expenses must not exceed 1d. in the £ on the rateable value in any one local financial year, except that in any urban district or town where the county council is functioning as the library authority this limit may, with the consent of the Ministry of Home Affairs for Northern Ireland, be exceeded by not more than another 2d. in the £.

[§ 4] **Transfer of Property, Rights, and Liabilities.**—Where under this Act :

- (a) a rural district council ceases to exercise library powers and duties ; or
- (b) an urban district council or the commissioners of a town relinquish all or any of their library powers and duties to a county council ; or
- (c) the Ministry of Home Affairs for Northern Ireland makes an Order rescinding the agreement by which the county council functions as the library authority of an urban district or town ;

then all library property, rights, and liabilities shall be transferred to the council or commissioners who are to function as the library authority in the area



concerned, subject to any supplemental provisions which the Ministry thinks fit to make.

[§ 5] **Any Library Authority may Co-operate with Voluntary Agencies.**—Any library authority may encourage and assist the establishment or continuance of voluntary agencies.

[§ 6] **County Boroughs.**—This Act shall not apply to a county borough, except for the provision in section 5.

[The only county boroughs in Northern Ireland are Belfast and Londonderry; the Act therefore applies to the whole of Northern Ireland with the exception of these two places.]

## IRISH FREE STATE LOCAL GOVERNMENT ACT, 1925

This Act is a long one, and deals mainly with public health, roads, etc., but it includes the following provisions concerning libraries :—

[§ 2] **Cessation of Powers of Rural District Councils.**—On and after 1st October 1925 all rural district councils shall cease to exist, and their powers, duties, property and liabilities shall be transferred to the county council.<sup>1</sup> Any such transferred liabilities shall be charged on the rural district concerned.

[This section and section 82 below do not apply to the county of Dublin.]

[§ 58] **Appointment of Committees.**—A county council may appoint such committees as they think

<sup>1</sup> This is complete supersession of rural district councils by the county councils in the Irish Free State. In Northern Ireland only the powers and duties concerning libraries were transferred from the rural district councils to the county councils. See 1924 (Northern Ireland) Act, section 1.

fit for the execution of their powers, duties and functions. Such committees may consist wholly or partly of members of the county council. The acts of every committee appointed under this section shall be subject to confirmation by the county council, save that the council may, with the sanction of the Minister for Local Government, empower any particular committee to do any act within the lawful authority which has been conferred upon the committee.

[This provision would appear to be supplementary to section 12 of the 1855 Act and section 4 of the 1877 Act, since by section 65 below all relative provisions of the Irish Public Libraries Acts, 1855 to 1920, apply to county councils as library authorities.]

**[§ 65] County Councils may adopt the Libraries Acts ; Expenses.**—Any county council may, by ordinary resolution, adopt the Public Libraries (Ireland) Act, 1855, for the whole or any part of the county, exclusive of any urban district. The county council then becomes the library authority for the area specified in the resolution and shall carry into execution the Public Libraries (Ireland) Acts, 1855 to 1920, for that area. Any expenses incurred shall be charged on that area.

**Co-operation and Combination.**—The county council may arrange with the council of any urban district in the county, or with the council of any adjoining county borough, for the extension to the whole or any part of the county of any library facilities provided by the urban district or county borough. The power here given is in addition to the powers for combination between library districts and for the granting to outsiders of facilities for borrowing books, as provided in the 1894 (Ireland) Act, sections 3 and 4.

**Relinquishment of Library Powers to the County Council.**—With the approval of the Minister for Local Government, the council of any urban district may, on such terms as may be agreed, relinquish their library powers and duties to the county council, and the library provisions of this Act shall then have effect as if the county council had passed a resolution (as mentioned above) adopting the 1855 Act for that urban district.

[There is no statutory provision for the resumption of library powers by the urban district as is the case in England and Wales and in Northern Ireland.<sup>1</sup>]

**Amalgamation of Areas.**—Where a county council is the library authority for two or more separate areas in the county, and library expenses are charged on the respective areas, the county council may, with the consent of the Minister for Local Government, amalgamate such areas, and library expenses shall thereafter be charged on the amalgamated area.

[§ 66] **Lectures; Exhibitions; School Libraries.**—Any library authority may, out of the library rate, provide public lectures and exhibitions (whether admission is free or subject to such charges and conditions as the library authority may determine) and also libraries in schools.

[This is the first provision in our Public General Acts authorising the payment out of the library rate of expenditure on lectures.]

[§ 72] **Power to dissolve a Local Authority.**—The Minister for Local Government may at any time order

<sup>1</sup> See 1919 Act, section 5; 1924 (Northern Ireland) Act, section 2.

a local inquiry into the performance of its duties by any local authority. If and whenever

- (a) as a result of such inquiry the Minister is satisfied that the duties of a local authority are not being duly and effectually discharged, or
- (b) any local authority wilfully neglects to comply with any lawful order, direction or regulation of the Minister, or
- (c) a local authority fails to comply with any judgment, order or decree of any court in the Irish Free State, or
- (d) a local authority refuses after due notice to allow its accounts to be audited by an auditor of the Minister,

the Minister may by order dissolve such local authority, and either order a new election of members or transfer the property, powers and duties to any body of persons he shall think fit. Not later than three years after a local authority has been so dissolved, the Minister shall cause a new election of members of the local authority to be held, and upon completion of the election the property, powers and duties of the dissolved local authority shall be vested in the newly elected body.

[Local authority here includes a county council, county or other borough council, urban district council and the commissioners of any town. The provision is a general one, but it may be compared with section 2 of the 1894 (Ireland) Act.<sup>1</sup>]

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<sup>1</sup> Actually the local government of the Irish Free State is somewhat complex at the present moment. "The administration of affairs in certain counties and towns . . . came under the close scrutiny of the Ministry [of Local Government and Public Health], and as a result the abolition has taken place of the old governing authorities in the cities of Cork and Dublin, of Kerry, Offaly and Leitrim county councils, as well as certain



[§ 82] **Existing Officers.**—Where the business of any council or any committee is transferred by this Act to any county council, the existing officers of that council or committee employed on such business shall become officers of the county council.

[Elsewhere in the Act there are provisions for superannuation and compensation, in which such transferred officers are included.]

[§ 86] **Minister for Local Government may make rules.**—The Minister for Local Government may make rules for regulating the transfer of the property and liabilities of any public body abolished by this Act, or for any adjustment of rights, duties or liabilities required for the purposes of this Act.

## OTHER STATUTORY ENACTMENTS AFFECTING LIBRARIES

There was a *Public Libraries (Art Galleries in County Boroughs) (Ireland) Act*, 1911, but this may

urban and rural authorities and boards of health. In some of these places the functions of the old governing authorities have been transferred to commissioners appointed by the Minister of Local Government and Public Health, legislative powers having been conferred on the Minister to make the change. The appointments are temporary, but there is reason to believe the experiment will be continued and extended. According to the Minister of Local Government and Public Health, 'The substitution of Commissioners for elected representatives will lead to more efficient and economical conduct of local affairs. There is much to be said for making this system the normal and permanent method of administration and making the elected body an advisory council with financial control.' The city or county manager or commissioner would be responsible for the whole administration. He would appoint his own staff and run his area as if he were the managing director of a company."—*The Municipal Year Book for 1925*, pp. 496-497.



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be omitted. The only section of importance from the point of view of this book was repealed by the 1920 (Ireland) Act.

The *Malicious Damages Act*, 1861 (see p. 29), applies to Ireland.



## **PART II**

### **THE PROVISIONS OF BRITISH STATUTES CONCERNING LIBRARIES**





## HOW THE PUBLIC LIBRARIES ACTS MAY BE ADOPTED

The Acts can be adopted for county areas in England and Wales, in Northern Ireland, and in the Irish Free State, and the adoption is by ordinary resolution of the county council.<sup>1</sup>

Any British urban authority may adopt the Acts by resolution, but the formalities concerned vary in the different countries. In England and Wales the resolution is merely an ordinary resolution of the council<sup>2</sup>; in Scottish burghs a month's notice of intention to propose the resolution must have been given and the resolution must afterwards be published in at least one newspaper circulating locally<sup>3</sup>; in Ireland the same formalities apply as in Scotland, but notice of the resolution must also be posted at certain public places.<sup>4</sup>

In rural parishes the adoption is by resolution of a parish meeting called to decide the question on the requisition of ten or more parish voters in England and Wales<sup>5</sup> or of ten or more parish householders in Scotland.<sup>6</sup> In rural districts in the Irish Free State the Acts are adopted by resolution of the rural district

<sup>1</sup> 1919 Act, section 1; 1924 (Northern Ireland) Act, section 1; 1925 Local Government Act (Irish Free State), section 65.

<sup>2</sup> 1919 Act, section 7.

<sup>3</sup> 1894 (Scotland) Act, sections 2, 3.

<sup>4</sup> 1894 (Ireland) Act, section 1.

<sup>5</sup> *Local Government Act*, 1894, section 7; and 1892 Act, section 3; see note under the latter.

<sup>6</sup> 1887 Act, section 4.

council under the same conditions as apply to urban authorities. But on and from 1st October 1925, rural district councils throughout the Irish Free State (with the exception of the county of Dublin) cease to exist, their powers automatically becoming vested in the county councils, and the foregoing provision then becomes inoperative.<sup>1</sup> Rural districts in Northern Ireland cannot now adopt the Acts.<sup>2</sup>

The alternative method of adoption by poll is still available in rural parishes in England and Wales (if a poll is demanded at the parish meeting<sup>3</sup>), in Scottish parishes (if the sheriff so chooses<sup>4</sup>), and in Irish incorporated boroughs and towns (upon the requisition of twenty or more local electors or of the urban authority<sup>5</sup>).

On the adoption of the Acts in England and Wales notice in writing must be given to the Board of Education and to the Minister of Health.<sup>6</sup> In Ireland a copy of the resolution passed must be sent to the Minister for Local Government in the Irish Free State, or the Minister for Home Affairs in Northern Ireland.<sup>7</sup>

<sup>1</sup> 1902 (Ireland) Act, section 2; but see 1925 Local Government Act (Irish Free State), section 2.

<sup>2</sup> 1924 (Northern Ireland) Act, section 1.

<sup>3</sup> *Local Government Act*, 1894, section 7 and First Schedule; see note on 1892 Act, section 3. Adoption by poll in urban areas in England and Wales was abolished and adoption by resolution substituted in the 1893 Act, but there were various formalities of publication, etc., associated with the resolution which were not swept away until the 1919 Act. (The 1901 Act had meanwhile brought the City of London and the metropolitan boroughs within the scope of the 1893 Act.)

<sup>4</sup> 1887 (Scotland) Act, section 4.

<sup>5</sup> 1894 (Ireland) Act, section 1.

<sup>6</sup> 1901 Act, section 8; Transfer of Powers Order, 1920 (p. 31).

<sup>7</sup> 1894 (Ireland) Act, section 1; this section does not apply to county councils in Northern Ireland.

The adoptive power in England and Wales (so far as it concerns districts other than county boroughs) depends, however, on the existence or otherwise of a library resolution of the county council for the county in which the district is situated. If the district has not adopted the Acts or become a library area as the result of a local Act before the county council passes its library resolution, the district may be included in this resolution, and will thereby lose the power to adopt the Acts itself until and unless the county council resolution is subsequently rescinded as far as the particular district is concerned.<sup>1</sup>

It may be added that, whether owing or not to ambiguous phrasing in the 1919 Act, mere formal adoption of the Acts does not in itself automatically exclude a district from the ambit of the county council library resolution; library expenses must have been incurred in the execution of the Acts "within the last preceding financial year." A library district which therefore adopted the Acts by way of a blocking motion to prevent the county council becoming the library authority for that particular portion of the county, and which did nothing to carry the Acts into execution, might find that its efforts had been in vain if the county council chose to make them so. Or even a district which adopted the Acts in good faith might find itself in a similar position if the county council resolution were passed before the expiration of the current financial year, although this latter case would probably be covered by negotiation between the two bodies. Even where the county council has not already become the library authority for the area, the council

<sup>1</sup> 1919 Act, sections 1 and 5.

of a borough, urban district, or rural parish<sup>1</sup> which has not already adopted the Acts cannot now, therefore, safely adopt them unless

(a) the county council intimates its approval of that course ; or

(b) they take the risk of the county council adopting the Acts before the expiration of such a period as will cover the financial year last preceding the date of the county council's library resolution.

### THE LIBRARY RATE

For local rating purposes all property (*i.e.* land, buildings, machinery, etc.) within the district is assessed at an annual valuation, which is the estimate of the annual income the property would be expected to produce if let. Various allowances and deductions are allowed on this gross assessment (there is, for example, an allowance on buildings to cover average repairs<sup>2</sup>) and a net assessment is thus arrived at. The totals of these assessments give what are termed the gross and net rateable values of the district.

The total amount which is required by the local authority to cover the ordinary expenditure of the district on the various departments of local government is estimated annually or half yearly and a sum to cover this is raised by rate. When a rate is raised, therefore, it is worked out at a certain amount in the £ on the total net rateable value, and is levied on the occupiers of property in proportion to the net rateable

<sup>1</sup> The Acts have been adopted by all the metropolitan boroughs.

<sup>2</sup> See also footnote 4 to 1892 Act, section 18.



value of that property. Thus a house might be assessed at £65 gross, £52 net, and the total rate of the district might be 10s. in the £, of which 2d. in the £ might be for library expenses; the occupier of that house would pay £26 for the year in rates, of which 8s. 8d. would go for library expenses.<sup>1</sup>

It is essential, therefore, for purposes of levy and collection, that the library rate should be worked out at 1d., or 2d., or some similar figure in the £ on the rateable value, and probably owing to the fact that until 1919 the Libraries Acts stipulated 1d. in the £ as the maximum amount which could be levied for library purposes, there is often a tendency for library income to be thought of merely in terms of a certain number of pence in the £, and in no other way. This conception is not easily discarded, but a much more satisfactory measure of what is an adequate income is, however, provided in the idea of a *per capita* estimate, as has been adopted in Ontario<sup>2</sup> and has been advocated in the United States.<sup>3</sup> The introduction of such a principle must gradually lead to the discarding by librarians and library committees of the idea of themselves regarding the estimate of money required as being represented by so many pence (or fractions of pence) in the £; instead of this, the estimate will be regarded as the amount necessary to provide an efficient library system for a population of a given

<sup>1</sup> This general statement, like many others, does not cover the particular cases where local Acts make special arrangements, outside the public general Acts, for particular localities. In connection with the above question, for example, under a local Act for Glasgow, the library rate is there levied equally upon owner and occupier.

<sup>2</sup> See p. 127.

<sup>3</sup> See p. 145.

number, and the transposition of this into pence in the £ for the purposes of the levy and collection of the rate will be left to the local rating authority or department responsible for that levy and collection. Where the central local authority has a veto on the estimate of the library committee, such an idea involves a liberal attitude on the part of that authority towards library provision ; but it will be remembered that in Scotland, although statutory rate limitation is still in force, the amount required by the committee must, within that limitation, be raised and paid over by the library authority to the committee.

The form in which the rate to cover library expenses must be levied is specified in various Acts.

In England and Wales library expenses must be defrayed where the library district is :

(1) *a county borough or borough*, out of the borough fund or borough rate, or a separate rate may be levied in like manner as the borough rate ;

(2) *an urban district other than a borough*, out of the general district rate ;

(3) *a metropolitan borough* out of the general rate.

(4) *a parish*, out of a rate to be levied with and as part of the poor rate.<sup>1</sup>

(5) *the City of London*, out of the consolidated rate levied by the common council, or a separate rate may be levied in like manner.<sup>2</sup>

(6) *a county*, out of the county fund—*i.e.* out of the money produced by the rates levied for general county purposes. In the case of a county the county council may charge library expenses on any parish which they consider is served by any library provided

<sup>1</sup> 1892 Act, section 18.

<sup>2</sup> *Ibid.*, section 21.

by the county scheme, but they must first give reasonable notice to the overseers of a parish, and must consult the council of any metropolitan borough, borough, or urban district in the case of areas within such districts. No such expenses shall be charged against any part of an existing library district without the agreement of the library authority of that district.<sup>1</sup>

In Scotland library expenses shall be paid out of the library rate to be levied by the magistrates and council in a burgh,<sup>2</sup> or by the parish council in a parish.<sup>3</sup>

In Ireland the expenses are to be paid out of the borough or town fund or rate, or out of a separate rate to be levied in like manner.<sup>4</sup> In Northern Ireland the rural library authority is the county council, and library expenses are defrayed out of the county fund and are raised equally over the county districts and towns for which the county council is acting as the library authority.<sup>5</sup> In the Irish Free State also the rural library authority is the county council on and from 1st October 1925. Library liabilities are to be charged upon the various areas concerned, but the county council can amalgamate the areas into one library district and expenses will then be charged (apparently equally) on the amalgamated area.

<sup>1</sup> 1919 Act, section 4. See also footnote to that section.

<sup>2</sup> 1887 (Scotland) Act, section 7.

<sup>3</sup> *Local Government (Scotland) Act*, 1894, section 21.

<sup>4</sup> 1855 (Ireland) Act, section 5.

<sup>5</sup> 1924 (Northern Ireland) Act, section 3 ; 1925 Local Government Act (Irish Free State), sections 2 and 65. Some differential rating, however, appears possible in Northern Ireland, because whilst the maximum library rate in rural districts is 1d. in the £, the maximum in urban districts and towns which voluntarily come under the county library authority may be raised, under certain conditions, to 3d. in the £.

## RATE LIMITATION

Prior to the legislation of 1919 and 1920 the maximum library rate permitted throughout Great Britain and Ireland was 1d. in the £, except for the City of London<sup>1</sup> and for those places which had, either by a provision in some local Improvement Act or by a special local Libraries Act, secured power to increase this maximum.

The general limitation of the rate to 1d. in the £ had been operative since 1854-1855, and although there had been a great increase in the aggregate rateable value (that of England and Wales, for example, had doubled during the latter half of the nineteenth century), yet there had at the same time been a very large growth in the population, and there is little doubt also that the proportion of the population using a public library in any district where one was provided had also considerably increased. Moreover, the library movement generally had assumed extended functions, and the average income which the public libraries could expect had not kept pace with the wider demands made upon library service by a growing population. It thus became increasingly difficult for any library or library system to carry on its work efficiently under the limitation of the rate.

There had for a long time been continuous agitation for the repeal of the limitation when, owing to the sudden and great increase in general prices consequent on the European War, the position of libraries restricted in their expenditure to this 1d. in the £ became untenable. Further development was impossible, and in many cases actual restriction became inevitable.

<sup>1</sup> 1892 Act, section 21.



For England and Wales the 1919 Act<sup>1</sup> removed the limitation altogether. Each library authority is now its own master concerning the rate limitation, although if any library authority itself limits the library rate for its own district such limitation cannot be rescinded for twelve months. The only possible exception to this general statement is perhaps that of a rural parish library authority. A parish council cannot incur expenses for any purpose amounting to more than 3d. in the £ or involving a loan, without the consent of the parish meeting.<sup>2</sup> The refusal of such consent would amount to the limitation by the local electors of the rate which the library authority (the parish council) could demand.

In Scotland the 1920 Act<sup>3</sup> raised the maximum rate to 3d. in the £. Scotland is therefore still subject to a statutory rate limitation unless a local Act provides otherwise for any particular locality, but throughout the country, except only in the four largest burghs, the library provision from the local library rate can be supplemented by further provision by the county education authority from the county education fund.<sup>4</sup>

In Ireland the 1920 Act raised the maximum to 3d. in the £, with a provision that any county borough may, with the consent of the Government Department concerned with libraries,<sup>5</sup> exceed this amount by not more than another 3d. in the £.<sup>6</sup> The 1924 Act for Northern Ireland, however, re-instituted the limitation

<sup>1</sup> Section 4.

<sup>2</sup> *Local Government Act*, 1894, section 11 ; see note on 1901 Act, section 6.

<sup>3</sup> Section 1.

<sup>4</sup> See p. 39 for *Education (Scotland) Act*, 1918.

<sup>5</sup> See footnote 1 on p. 45.

<sup>6</sup> 1920 (Ireland) Act, section 1.



to 1d. in the £ in rural areas in Northern Ireland, but provided that in any urban district or town where the county council is functioning as the library authority this limit may, with the consent of the Ministry of Home Affairs for Northern Ireland, be exceeded by not more than 2d. in the £.<sup>1</sup> In the Irish Free State any county council may make grants from its technical education funds to a library authority towards book-purchase or library maintenance.<sup>2</sup>

Places where libraries had been established or maintained under a local Act which modified the principal Act (by substituting a higher figure than the 1d. in the £ which the principal Acts allowed) shared in the removal or increase of the rate limitation. The repeal or alteration of the original rate limitation involved the repeal or alteration of all local modifications of that limitation.

### CONSTITUTION OF COMMITTEES AND DELEGATION OF POWERS TO LIBRARY COMMITTEES

The appointment of a committee for library purposes is provided for in the case of every British library district except those governed by library commissioners, but the powers of the committee vary in the different countries and may also differ somewhat according to the category of the library district (*i.e.* whether it is a county or county borough, a metropolitan borough, a borough or an urban district, or a parish in England and Wales, and whether it is combined with another library district or not).

<sup>1</sup> 1924 (Northern Ireland) Act, section 3.

<sup>2</sup> 1902 (Ireland) Act, section 6.

There are two definite classes of committees: reporting committees and recommending committees. A reporting committee has executive powers and merely reports its actions, whereas a recommending committee has to submit its proposals for approval by a senior or parent body before they become authoritative decisions. It is obvious, of course, that it is extremely desirable that the central local authority should be conversant with the important actions of any of its committees; a reporting committee secures this. But it is equally obvious that the Libraries Acts were intended to give most library committees a considerable degree of autonomy and that these library committees should not be recommending committees and nothing more.

The most definite granting of wide powers to library committees is in Scotland. There the library authority in a burgh or parish *must* annually appoint a committee, and this committee shall manage and control all institutions under the Acts and have power to do all things necessary for such management.<sup>1</sup> It shall make estimates of the money required for library purposes, and the library authority must provide this amount out of the library rate (within the statutory rate limitation, of course) and pay it over to the committee.<sup>2</sup> There is nothing permissive about the granting of these powers to Scottish library committees; the powers belong to the committees by statutory right, and to the extent of these powers the committees have full executive action. It would appear, however, that the raising of the rate,<sup>3</sup> matters

<sup>1</sup> 1887 Act, sections 18 and 21.

<sup>2</sup> *Ibid.*, section 30.

<sup>3</sup> *Ibid.*, section 7.

concerning the appropriation, provision, and disposal of lands and buildings,<sup>1</sup> borrowing powers,<sup>2</sup> and the approval of byelaws<sup>3</sup> remain vested in the library authority and not in the committee; on these points, therefore, the committee would be a recommending committee.

The appointment of a committee is compulsory also for county areas in Northern Ireland,<sup>4</sup> but in the case of all other British library districts the appointment of a committee is permissive and not compulsory, although, as a matter of convenience, a committee would generally be appointed. But even though a committee is appointed, there is no compulsion for the delegation of powers outside Scotland; delegation is elsewhere never more than permissive, and it is not even permissive in uncombined rural parishes in England and Wales<sup>5</sup> or in county areas in Northern Ireland.<sup>6</sup>

We have therefore three classes: first, delegation is compulsory in Scotland; secondly, delegation is not possible in uncombined rural parishes in England and Wales or in county areas in Northern Ireland; thirdly, delegation is permissible in all other cases, but whether, in these cases, any powers shall be delegated or not depends on the decision of the library authority itself, and the library committee may be constituted simply

<sup>1</sup> 1887 Act, sections 10 and 12.

<sup>2</sup> *Ibid.*, section 14.

<sup>3</sup> *Ibid.*, section 22.

<sup>4</sup> 1924 (Northern Ireland) Act, section 1.

<sup>5</sup> In uncombined rural parishes in England and Wales the library committee must be a recommending committee only. *Local Government Act, 1894* (section 56); see note to 1892 Act, section 15.

<sup>6</sup> 1924 (Northern Ireland) Act, section 1. The committee must be a recommending committee only.

as a recommending committee. As has already been said, this does not, however, appear to be the spirit of the Acts concerning the authorities which come under class three, for in all cases in this class powers somewhat similar to those possessed by Scottish committees (and in some cases powers even wider in certain respects) can be delegated if the library authority so chooses.

In England and Wales any urban authority may delegate any or all of certain powers concerning the management and control of the institutions under the Acts, the provision of books, etc., the appointment of officers, and the making of regulations.<sup>1</sup> County boroughs have wider scope for delegation and, like county councils, may delegate any or all library powers, excepting only the raising of a rate and the borrowing of money.<sup>2</sup> Similar delegation is possible in London metropolitan boroughs, where the committee may be granted all powers, except only the raising of money by loan or rate and the spending of money beyond the sum allowed by the metropolitan borough council, but it is provided that the committee must report its actions to the council.<sup>3</sup>

In Ireland the library committee may have powers similar to those which may be conferred under the 1892 Act by an urban library authority in England and Wales.<sup>4</sup>

There remains to be considered only the consti-

<sup>1</sup> 1892 Act, section 15. The powers which may be delegated are only those conferred by this section of the Act.

<sup>2</sup> 1919 Act, section 3. In the case of counties and county boroughs the committee to which these powers may be delegated is the education committee; on this see pp. 31, 92-94.

<sup>3</sup> See footnote to 1892 Act, section 15.

<sup>4</sup> 1855 (Ireland) Act, section 12.



tution of the committees under combining library authorities.

Here again the Scottish provisions are the most definite. In the case of combining burghs or parishes the appointment of a committee is compulsory, as in the case of single authorities, and the committee is invested with the same powers. The only difference is that the committee is appointed by the combining districts in agreed proportions.<sup>1</sup>

In England and Wales where neighbouring parishes combine,<sup>2</sup> or where neighbouring urban districts combine,<sup>3</sup> joint committees may be formed annually and may be given all library powers, except only the raising of a rate or the borrowing of money.<sup>4</sup>

For combining districts in Ireland a joint committee may be formed and may be granted full library powers, except that of borrowing money.<sup>5</sup>

## POWERS CONFERRED ON LIBRARY AUTHORITIES BY THE VARIOUS PUBLIC LIBRARIES ACTS : A GENERAL SURVEY

The powers conferred by the various Acts are dealt with in detail in the pages which follow, and full footnotes are there provided. By way of a general survey, however, it may be pointed out that none of the British

<sup>1</sup> 1899 (Scotland) Act, section 2.

<sup>2</sup> 1892 Act, section 9 ; *Local Government Act*, 1894, section 57. Where under section 10 of the 1892 Act a parish is annexed to a neighbouring library district, the provisions governing a single library authority would apply to any committee set up by the library authority of that district.

<sup>3</sup> 1893 Act, section 4.

<sup>4</sup> For both parish and district councils see also the note following section 10 of the 1892 Act.

<sup>5</sup> 1894 (Ireland) Act, section 3.



Libraries Acts is complete in itself in the sense of being able to stand alone. Every one must be taken in conjunction with some other piece of legislation ; either another Libraries Act which it amends or by which it is amended, some other Act of which certain provisions are incorporated, or even some Statutory Order is involved. Nevertheless, the Libraries Acts as they now stand, thus amended and extended, present a definitely progressive development of the powers for library provision.

In England and Wales the 1892 (or principal) Act consolidated and amended all previous general library legislation and was itself extended by the 1893 Act which allowed neighbouring urban districts to combine. Combinations under the former Act were those which concerned parishes. The 1898 (Library Offences) Act to some degree overcame the ineffectiveness of regulations made under the principal Act, when it made possible the legal enforcement of penalties for certain offences not within the Malicious Damages Act of 1861. This provision of legal penalties for wrongdoers was placed upon a wider basis by the power given in the 1901 Act for the making of byelaws, and the Library Offences Act was at the same time extended to cover museums and art galleries provided under the Acts. A further most important provision contained in the 1901 Act was the one allowing the library authorities of two or more districts to make agreements for the use of a library in any one of those districts and for the interchange of books.

The 1919 Act was an enormous stride forward. County councils were then authorised to adopt the Acts and become library authorities and to provide rural library schemes in which existing library

authorities could join or, unless they were county boroughs, could merge themselves if they so wished ; an opening was made for the close co-ordination of library and other educational work in county and county borough areas, wherever such action was desired, by the links made possible between the education and library committees ; the statutory limitation of the rate was abolished ; urban authorities were freed from the cumbersome formalities connected with the adoption of the Acts ; the previously implied teaching function of library authorities was abandoned by the cessation of the power to provide new schools for art and science under the Acts ; and the link between libraries and museums was made more definite by the cessation of the power to establish any new museums under the 1891 Museums and Gymnasiums Act, and by the transfer of any museums already so established to the library authority of the district if the Libraries Acts had been adopted.

The provisions of the 1919 Act, therefore, make possible very great changes in library development, but it must be recognised that much of the machinery for carrying out the powers then granted is to some degree as yet only experimental. The need for county library services was most urgent, and good work is already being done, but the methods for the fullest development of rural library services have yet to be finally decided by experience and by the patient work of county librarians begun under a cloud of financial restrictions. County libraries may also prove the means of salving and making really effective the small urban libraries which exist in numbers and under conditions not sufficiently widely known, but the methods

of doing this have yet to be worked out. Recognition was given to the educational character of library provision, but whether so close a linking-up of library work with the normal work of the higher education authorities as the Act makes possible in counties and county boroughs is the best means of educational co-ordination, or whether, if carried out, it may mean the subordination of library work to the teaching work of education committees, time alone will show. Library authorities will fight against any such submergence.

There are signs, however, both of the need for further library legislation and of the possibility of it. Public libraries have, for example, in very many places definitely assumed the provision of lectures as one of their functions, but they are handicapped by the fact that expenditure on lectures is not legal under the Libraries Acts. The position was left unaltered by the 1919 Act. Again, the public library movement generally is feeling its way towards an ideal hardly yet articulate, but which includes, in some form or other, the establishment of a national library system. Schemes for centralised technical libraries have been advanced by the Library Association<sup>1</sup> and by the Adult Education Committee.<sup>2</sup> This Government Departmental committee also recommended that the Central Library for Students should be extended and subsidised from public funds, and spoke of "mobilising the resources of libraries to ensure their maximum efficiency."

Definite form is thus gradually being given to the aim of the library movement to create such

<sup>1</sup> See *Library Association Record*, 1917, and subsequent years.

<sup>2</sup> See *Third Interim Report of the Adult Education Committee of the Ministry of Reconstruction*, 1918.

conditions that wherever in the country there is a printed book available, that book shall be obtainable by any student or person who wishes to have it. Finally, the indications of the increased efficiency resulting from State control and State grants as applied in various forms in Ontario and the United States<sup>1</sup> are tending to make some similar organisation seem more possible in this country. Apart from the committee mentioned above, another important Departmental committee has been set up by the President of the Board of Education to continue and extend the investigations concerning library provision. Its terms of reference are "to inquire into the adequacy of the library provision already made under the Public Libraries Acts, and the means of extending and completing such provision throughout England and Wales, regard being had to the relation of the libraries conducted under those Acts to other public libraries and to the general system of national education."<sup>2</sup> The actual result may well be that further library legislation will follow.

The Scottish Libraries Acts are more complete in themselves and require less supplementing by other statutory provisions than do the English Acts. The powers they confer are in some respects wider and in some respects narrower than the powers given in England and Wales. By the 1887 (or principal) Act the approval of a central Government Department is not required in Scotland for the sale or disposal of land, nor for the borrowing of money, but the amount of money which may be borrowed is limited by statute in

<sup>1</sup> See the sections on library legislation in Canada and the United States, pp. 125 and 137.

<sup>2</sup> *The Times*, 10th October 1924, p. 10.



place of the oversight of a Government Department being imposed. By the same Act the constitution of a committee for library purposes, with executive powers on many matters, is compulsory; provision was also made at once for the creation of byelaws, but the procedure involved in the making of the byelaws is not so simple as that under the 1901 (England and Wales) Act. Another important point in the principal Act concerns Scottish library finance. It is provided that the money required for library purposes as estimated by the committee must (within statutory rate limitations, of course) be paid over by the library authority without the whittling down by the local authority of a committee's estimates as is so often the case in England. On the other hand, the formalities connected with the adoption of the Acts in Scotland are still those imposed by the 1894 Act, and have not been made so simple as in England and Wales, whilst the latest Act for Scotland (1920) merely raised the statutory rate limitation without abolishing it. Thus the Scottish Libraries Acts, whilst in some ways in advance of the English Acts, at certain points are still lagging behind. There is no provision by a Libraries Act for Scottish county library services, though these may be provided from another source.<sup>1</sup> From the same source (*i.e.* the county education fund) the services of the small libraries may be extended, and up to the amount of their own library rate in these districts such extension would appear possible without extra cost to the particular district itself. The co-ordination of libraries with other educational work must, therefore, under existing provisions, be worked out in Scotland along different lines from those

<sup>1</sup> See p. 39.



possible in England, but it is a point for consideration as to which method is likely in the end to prove the more beneficial.

In Ireland the principal Act of 1855 is a much older Act than the corresponding one for England or for Scotland, but, when supplemented by the 1877 Act allowing co-opted members on library committees and providing powers for borrowing money, the provisions are somewhat similar to those under the principal Act for England and Wales. Library provision in Ireland was, however, limited to urban authorities until 1902, when it was first made possible for rural district councils (superseded in library powers by the county councils in Northern Ireland and, from October 1925, in the Irish Free State) to adopt the Acts. Throughout the country the formalities concerning the adoption of the Acts are still those laid down in the 1894 Act (except for county authorities, who can adopt the Acts by ordinary resolution), and a poll is still possible in all urban districts. It is interesting to note that the 1894 Act includes a provision unique in British library law; this is, that where an urban population has expressed by poll its desire for a public library, action can be taken through a Government Department to secure adequate enforcement of the Acts. In the 1902 Act permission was given to use schools for library purposes by agreement with the school authorities, but similar arrangements could certainly be made in England and Wales and in Scotland. The 1902 Act for Ireland, however, provides the earliest example in the Libraries Acts of the association of library with other educational work by the authorising of county councils to make grants to library authorities for book purchase or library

maintenance<sup>1</sup>; the 1920 Act extended the statutory rate limitation to 3d. in the £, with a possible increase up to 6d. in the £ in county boroughs with the consent of the Government Department concerned with libraries.

This is the point at which Irish library legislation was left when the separate parliaments for the Irish Free State and for Northern Ireland were set up. These two parliaments inherited the previous Libraries Acts with power to pass amending or repealing Acts for their own areas. The 1924 Act for Northern Ireland transferred all library powers of rural district councils to the county councils, and the 1925 Local Government Act for the Irish Free State abolished rural district councils from October 1925, their powers being vested in the county councils. In both cases the county councils can adopt the Acts and become library authorities; the 1924 Act reinstituted the 1d. rate limitation (with provisions for extension to 3d.) for rural areas; the 1925 Act authorised the payment of lecture expenses.

#### WHAT MAY BE PROVIDED<sup>2</sup>

Any British library authority may provide public libraries, museums and art galleries, and supply them with all requisite furniture, fittings, and conveniences.<sup>3</sup>

In England and Wales and in Ireland<sup>4</sup> the library authority, or its library committee, may provide therein books, newspapers, maps, and specimens of

<sup>1</sup> This provision has now been repealed for Northern Ireland.

<sup>2</sup> Lands and buildings are dealt with in a separate section. See pp. 83-89.

<sup>3</sup> 1892 Act, section 11; 1887 (Scotland) Act, section 10; 1855 (Ireland) Act, section 9, and the footnote to that section.

<sup>4</sup> 1892 Act, section 15; 1855 (Ireland) Act, section 12.

art and science, and may cause the same to be bound and repaired when necessary ; in Scotland<sup>1</sup> similar powers are vested in the library committee, and the committee is in addition specifically given power to provide periodicals, engravings, and "such other articles as may be necessary," and to print and sell catalogues and reports of their proceedings, the receipts to be applied for library purposes. Fuel and lighting, etc., are also mentioned amongst the things which can be provided in Scotland and in Ireland ; in the principal Act for England and Wales (which is later in point of date) these things are apparently taken as *sine qua non*.

In Scotland and Ireland schools for science and art may also be provided by library authorities, and may be given their necessary furniture, fittings, and conveniences<sup>2</sup> ; this applied to England and Wales as well until 1919, and although any schools already so established may still be maintained by the library authority, from that year no new schools could be established in England and Wales under the Libraries Acts.<sup>3</sup> In Ireland schools of music are held to come within the term "science and art," and musical instruments and other requisites may be provided.<sup>4</sup>

Since the Acts thus definitely state what can be provided, the extension of library functions beyond what is "requisite" or "necessary" for the purposes laid down is considered as going beyond the scope of the Acts. It is from this point of view that the ruling is reached that expenditure on lectures cannot legally

<sup>1</sup> 1887 (Scotland) Act, section 21.

<sup>2</sup> 1887 (Scotland) Act, section 10 ; 1855 (Ireland) Act, section 9.

<sup>3</sup> 1892 Act, section 11 ; 1919 Act, section 8.

<sup>4</sup> 1877 (Ireland) Act, section 3.

be undertaken under the Libraries Acts, and district auditors surcharge any such expenses, although borough auditors do not generally take up so strict an attitude.<sup>1</sup>

### LANDS AND BUILDINGS

1. *Acquisition*.—A British library authority may purchase or hire land or buildings or may appropriate for library purposes any land or buildings which may be vested in that authority.<sup>2</sup> For appropriation of lands the sanction of the Ministry of Health is required in England and Wales and of the Treasury in Ireland. A county council or the council of a county borough in England and Wales, which is a library authority, may be authorised to purchase land compulsorily for library purposes.<sup>3</sup>

Suitable buildings may be erected, altered, or extended.

2. *Disposal*.—In England and Wales any library authority may sell lands or buildings acquired for library purposes, or may exchange them for others *better adapted for library purposes*, but the money arising from the sale or received in part exchange must be used for the purchase of *other lands or buildings better adapted*, or be applied for *library purposes approved by the Board of Education*, and the transactions can only take place with the approval of the Board of Education. Or a library authority may let a house, building, or any part of it, or land, which

<sup>1</sup> See also p. 102 (Loan of Books; Payment for Facilities provided) and p. 109 (Accounts; Audit).

<sup>2</sup> 1892 Act, sections 11 and 12 (in England and Wales appropriation applies only to urban authorities); 1887 (Scotland) Act, section 10; 1855 (Ireland) Act, section 9.

<sup>3</sup> 1919 Act, section 6.



is not at the time required for library purposes, but the rents which result must be applied for *library purposes*.<sup>1</sup>

In Scotland a library authority may sell lands or buildings, or exchange them for others *better adapted for library purposes*, but the money from the sale and property received in exchange must be applied for *library purposes*.<sup>2</sup>

In Ireland the sale or exchange must be with the approval of the Treasury and the money must be used for the purchase of lands *better adapted*.<sup>3</sup> Or the library authority may let a house, building, or any part of it, or land, vested in them for library purposes if not at the time required for such purposes, but the money must be applied for *library purposes*.<sup>4</sup>

From the phrases in italics above it is evident not only that wherever there is a sale, or exchange, or letting, the proceeds must be applied for library purposes, but also that the underlying intention of any sale or exchange for which the Acts make provision must be the improvement of library facilities.

The Westminster Case is of great importance on the question of the disposal of buildings. There a particular library, originally built from money raised on the security of the rates, was during the war taken over by the Food Ministry, although the reference library, occupying one floor, was kept open. The rest of the library was not reopened after the war, as the Council decided that the building was required for the extension of the adjoining City Hall. The reference

<sup>1</sup> 1892 Act, section 12.

<sup>2</sup> 1887 (Scotland) Act, section 12.

<sup>3</sup> 1855 (Ireland) Act, section 11. The term lands probably includes buildings.

<sup>4</sup> 1894 (Ireland) Act, section 5.



books were removed and the Libraries Committee instructed to secure a suitable library site in the neighbourhood and to provide in the meantime for a temporary library.

Later the Council refused proposals to provide a new library. The case therefore appears as the appropriation by a local authority for their own purposes of a library building which was vested in them in their capacity as a library authority.

As a result, some of the ratepayers applied to the High Court for an injunction restraining the Westminster City Council from using the library for any other purpose than that for which it had been built. Judgment was eventually given to the effect that the Council had not power to use the premises as part of the City Hall, as had been proposed, and that the Council were not entitled to use them otherwise than for the purpose of the Libraries Acts.

The Westminster City Council appealed against this judgment, but the unanimous decision of the Court of Appeal very definitely confirmed the previous judgment.<sup>1</sup>

### RESCISSION OF THE LIBRARIES ACTS

Apart from the mere termination of agreements for combination or co-operation made as between two or more library authorities (a contingency which obviously must be provided for), there are only three classes of cases where the Libraries Acts make any provision for the relinquishing of library powers and duties which have once been assumed.

<sup>1</sup> For full report of the case see *Library Association Record*, March 1924, pp. 49-60, or *The Times*, 31st January 1924, p. 5. For report of the appeal see *The Times*, 5th June 1924, p. 5. For action subsequently taken by the city council, see p. 148.

The first was that of rural district councils in Ireland,<sup>1</sup> but this would appear to have been intended merely to allow a town with town commissioners within the rural district to adopt the Acts itself.

The second is where the area for which a county council is the library authority in England and Wales or in Ireland is extended, by agreement, to take in some existing library district. Any existing library district (other than a county borough) may, by arrangement, hand over its library powers and duties to the county council.<sup>2</sup>

The third is that of a county council in England and Wales applying to the Board of Education for an Order rescinding the library resolution of the county council so far as it refers to a particular district,<sup>3</sup> and the object of such an alteration is to enable the particular district to become a library district itself, under its own library authority, in the interest of an improved library service. Or where, in Northern Ireland, an agreement made under the second class mentioned above is terminated by an Order of the Ministry of Home Affairs as the result of a joint application made by the county council and the council of the urban district or commissioners of the town concerned.<sup>4</sup>

There is thus no provision for rescinding the Acts

<sup>1</sup> 1902 (Ireland) Act, section 3. But for the transfer of powers from rural district councils in Northern Ireland and (from 1st October 1925) in the Irish Free State, see footnote 5 on p. 91.

<sup>2</sup> 1919 Act, section 2; 1924 (Northern Ireland) Act, section 2; 1925 Local Government Act (Irish Free State), section 65.

<sup>3</sup> 1919 Act, section 5. It may be noted that the county council cannot rescind the resolution itself, but must apply to the Board of Education for an Order removing the particular district from the scope of the resolution.

<sup>4</sup> 1924 (Northern Ireland) Act, section 2.

in the sense of a cessation of a library service which has been provided. It is possible, of course, for a district which has adopted the Acts to do nothing to incur any expense in carrying them out, unless some gift has been accepted which involves their execution, and this would almost amount to a rescission. But two points should be noted as arising here. First, that in England and Wales such a district, unless it is a county borough, might be included in the area covered by the county council library resolution if the county council subsequently adopted the Acts, because the district would not be one where a library authority was actually functioning and therefore be immune<sup>1</sup>; the particular district would then, so to speak, be compulsorily brought under the second class just mentioned above. Secondly, that in incorporated boroughs and towns in Ireland where the Acts have been adopted by poll, if after six months the Government Department concerned with libraries<sup>2</sup> thinks the urban authority has not taken proper steps to put the Acts into operation, the Department may, on the application of ten or more local electors, appoint commissioners to carry out the Acts.<sup>3</sup>

Moreover, not only is there no provision for the adoption of the Acts being rescinded, but, once the Acts have been carried into execution, and a library

<sup>1</sup> 1919 Act, section 1. Section 10 of that Act gives as the definition of an existing library area: "a district as respects which the Public Libraries Acts are in force and in which expenses have, within the last preceding financial year, been incurred for the purposes of those Acts, or in which a public library has been established and is being maintained under or by virtue of any local Act."

<sup>2</sup> See footnote 1 on p. 45.

<sup>3</sup> 1894 (Ireland) Act, section 2; see also 1925 Local Government Act (Irish Free State), section 72.

service set up, it would appear that a library authority can, if it owns the land and buildings concerned, be virtually compelled to continue its library activities. The method of such compulsion would seem to arise from the statutory restrictions on the powers of a library authority to dispose of its lands and buildings. In the section dealing with lands<sup>1</sup> it is pointed out that the main condition of a library authority's relinquishing any lands or buildings vested in it for library purposes was that the money should be applied for the purpose of securing more suitable lands and buildings, and that any exchange should be on the same condition. Even the letting of such lands and buildings must be conditional on their not at the moment being required for library purposes.

Whilst it is true, therefore, that there is no specific provision compelling a library authority to maintain an established library (although it is implied in the cases where there is a transfer of library powers between a county council and the authority of some particular district), it seems quite definite that once the possession of lands or buildings is vested in a library authority they cannot be disposed of unless more suitable provision is made—*i.e.* the land and buildings cannot be used for other than library purposes unless better provision is made in substitution for them. If, therefore, a library were closed without such an alternative being provided, it must remain derelict—a contingency extremely unlikely under anything like normal circumstances. This may be regarded as a virtual compulsion of a library authority to maintain its established library service. The same position would apparently arise if a library

<sup>1</sup> See p. 83.



district handed over its library powers to a county council.

If, of course, no individual chose to take action such as was taken in Westminster,<sup>1</sup> the compelling force might be lost, but even then the fact that the sanction of a Government Department is necessary for any legal sale or exchange must not be overlooked, whilst the power of the Government Department to give its sanction is definitely restricted to such sales or exchanges as legally come within the ambit of the Libraries Acts.

In the case of a library authority which rented its library lands and buildings instead of owning them, the position would appear to be quite a different one. There would seem to be no compulsion for the renewal of the tenancy on its termination.

Some libraries were, it is true, temporarily closed during the war, but this was under very exceptional conditions, and, where lands and buildings are vested in the library authority, the argument can almost be summarised in the words: "Once a library, always a library, unless a better one is provided." It must be recognised, however, that whatever compelling force exists can be applied (as in the Westminster Case) only indirectly by means of an injunction, and, except in the case of the Irish incorporated boroughs and towns already mentioned, there is no compelling force of a positive nature. The Board of Education—*e.g.* as the Government Department concerned with libraries in England and Wales—is powerless to enforce the execution of the Libraries Acts adopted by any authority.

<sup>1</sup> See p. 84. The Westminster judgment lights up the whole question and is extremely important.

## THE LIBRARY AUTHORITY

A library district is any district for which the Libraries Acts may be adopted. The different districts for which this may be done and the respective library authorities in them are as follows :—

## ENGLAND AND WALES

<i>Library District</i>	<i>Library Authority</i>
Counties. (The whole or any part of a county, exclusive of county boroughs and existing library districts where a library authority is already functioning.)	The county council. <sup>1</sup>
City of London.	The common council. <sup>2</sup>
Metropolitan boroughs.	The metropolitan borough council. <sup>3</sup>
County boroughs and boroughs. <sup>4</sup>	The city or town council. <sup>5</sup>
Urban districts. <sup>4</sup>	The urban district council. <sup>5</sup>
Rural parishes. <sup>4</sup>	The parish council <sup>6</sup> or library commissioners. <sup>7</sup>

<sup>1</sup> 1919 Act, section 1.

<sup>2</sup> 1892 Act, section 21.

<sup>3</sup> *London Government Act*, 1899, section 4. All the metropolitan boroughs have now adopted the Acts. See note to 1892 Act, section 22.

<sup>4</sup> For the effect of the 1919 Act on the adoptive power in boroughs, urban districts, and parishes see adoption of the Libraries Acts on pp. 63-64; also library authorities in these areas may, by arrangement, hand over their library powers to the county council (1919 Act, section 2).

<sup>5</sup> 1892 Act, section 4.

<sup>6</sup> *Local Government Act*, 1894, section 7 (7). See note to 1892 Act, section 4.

<sup>7</sup> 1892 Act, sections 5-8.

## SCOTLAND

<i>Library District</i>	<i>Library Authority</i>
[Counties. <sup>1</sup> ]	
Burghs.	The magistrates and council. <sup>2, 3</sup>
Parishes.	The parish council. <sup>2, 4</sup>

## IRELAND

Counties and rural districts.	The county council. <sup>5</sup>
Incorporated boroughs.	The town council or board of municipal commissioners <sup>2, 6</sup> ; or library commissioners. <sup>7</sup>
Towns. <sup>8</sup>	The town commissioners <sup>2, 6</sup> ; or library commissioners. <sup>7</sup>

<sup>1</sup> There is no provision for county areas as such under the Libraries Acts, but county library schemes are organised and administered under the *Education (Scotland) Act*, 1918. See p. 39.

<sup>2</sup> The early Scottish and Irish Libraries Acts did not specifically name the library authority as the English Act did. The bodies given above are responsible for the adoption and execution of the Acts and are therefore implied as the library authorities.

<sup>3</sup> 1887 Act. (By the provisions of a local Act the administration of the Glasgow libraries is vested solely in the corporation.)

<sup>4</sup> 1887 Act and the *Local Government (Scotland) Act*, 1894, section 21.

<sup>5</sup> 1924 (Northern Ireland) Act, section 1: this Act transferred the library powers of rural district councils in Northern Ireland to the county councils; 1925 Local Government Act (Irish Free State), sections 2 and 65: on 1st October 1925 all rural district councils (except in the county of Dublin) cease to exist, their powers becoming vested in the county councils.

<sup>6</sup> 1855 Act.

<sup>7</sup> 1894 Act, section 2.

<sup>8</sup> Library authorities in these areas may, by arrangement, hand over their library powers to the county councils: 1924 (Northern Ireland) Act, section 2, and 1925 Local Government Act (Irish Free State), section 65. See also 1902 (Ireland) Act, section 3.

IRELAND—*continued*

<i>Library District</i>	<i>Library Authority</i>
Rural districts in the Irish Free State.	The rural district council. <sup>1</sup> (Powers transferred to county council from October 1925.)

*For the relinquishment by certain existing library authorities of their library powers and the handing over of these powers to county councils see 1919 Act, section 2; 1924 (Northern Ireland) Act, section 2; 1925 Local Government Act (Irish Free State), section 65.*

## STATUTORY PROVISIONS LINKING UP EDUCATION COMMITTEES AND PUBLIC LIBRARIES

The most definite links between public libraries and education committees are those made possible in England and Wales by the 1919 Act. There are really two provisions: one under which use is made of the education committee in an advisory capacity concerning the exercise of library powers by the library authority, and the other under which the administration of the library service is definitely entrusted to the education committee. Both provisions are restricted to county and county borough library authorities (the authorities for higher education in their respective areas).<sup>2</sup>

The first of these provisions is compulsory whenever a county council or, after the Act, a county borough council adopts the Libraries Acts. The library

<sup>1</sup> 1902 Act, section 3. See also footnote 5 on p. 91.

<sup>2</sup> See p. 30: Education authorities for Part II. of the Education Acts.



authority must then refer to the education committee for consideration and report all matters relating to the exercise of library powers, excepting only the raising of a rate or the borrowing of money. Such reference is, moreover, intended to be more than a nominal one, for the library authority is enjoined to await and consider the education committee's report unless the matter is regarded as urgent. Hence with county councils, and with county borough councils which adopt the Acts after 1919, the education committees have, as a right, the opportunity of considering and reporting on the library policy of their own areas; the bringing in of the education committee in an advisory capacity in this manner is a definite statutory recognition of libraries as part of the educational machinery of the country, and provides an opportunity for the co-ordination of library and other educational work. The library authority of a county or county borough which has already adopted the Acts is given permission, but is not compelled, to refer any matter concerning the exercise of library powers to the local education committee in a similar way if it so wishes, again excepting the raising of a rate or the borrowing of money.

The second provision is permissive and not compulsory in any instance. A library authority which is a county council or the council of a county borough is given permission to carry the above contact with the education committee much further should it so wish, for it may delegate to the education committee such of its library powers as it thinks desirable, with the same exceptions as before of raising a rate or borrowing money. The education committee would then become the library committee; but following any such delegation of powers the education committee itself

may (subject to any direction of the council) again delegate them to a sub-committee consisting wholly or partly of its own members. In this case the library committee would be a sub-committee of the education committee.<sup>1</sup>

The foregoing provisions create links between library work and higher education (*i.e.* they apply only to authorities which are responsible for higher education—namely, the councils of counties and county boroughs), but it must not be concluded that there are no links between libraries and elementary education, or that co-operation does not and cannot exist outside the above provisions. As previously mentioned, local education authorities are authorised under the Education Acts to co-ordinate all forms of education within their districts. This authorisation has resulted in one or two places in the libraries committee and the education committee being constituted from the same, or almost the same, personnel; in other cases joint sub-committees have been formed; and in many districts the local education committees have made a financial contribution, in one form or another, towards the cost of the provision of library facilities for children.<sup>2</sup>

In Scotland the provisions for the co-operation of library and education authorities come from an Education Act<sup>3</sup> and not from a Libraries Act. The organisation and administration of any county library service rests with the county education authority, who may appoint a committee, wholly or partly from its own members, to do the work. But the education authority may enter into arrangements with public

<sup>1</sup> See p. 31.

<sup>2</sup> See also p. 30 for the section on "Various Education Acts since 1902."

<sup>3</sup> See p. 39.

libraries, and the existing library provision in any district other than the four largest burghs may be supplemented from the county scheme.

In Ireland the statutory provision for contact between an education authority and public libraries rests on the power of any county council in the Irish Free State to make grants from its technical education funds to a library authority.<sup>1</sup>

### COMBINATION BETWEEN LIBRARY DISTRICTS

Various methods by which library services can be supplemented from the resources of education authorities were outlined under the heading of Education Committees and Public Libraries.<sup>2</sup> Library authorities themselves can also combine either to create the maximum library service by actual amalgamation for library purposes, or to increase their joint existing resources by agreements for sharing borrowing powers.

Combination in the sense of amalgamation is provided for in the case of all library districts<sup>3</sup>; combination in the sense of an agreement concerning the cost and maintenance of a library in any one district can be entered into by any districts (whether neighbouring or not) in England and Wales<sup>4</sup> or in Ireland,<sup>5</sup>

<sup>1</sup> 1902 (Ireland) Act, section 6.

<sup>2</sup> See p. 92.

<sup>3</sup> England and Wales: neighbouring parishes may combine (1892 Act, section 9) or a parish may be annexed to a neighbouring library district (1892 Act, section 10); neighbouring urban districts may combine (1893 Act, section 4); the facilities granted to other districts apply, with necessary modifications, to county authorities (1919 Act, section 1). Scotland: two or more neighbouring burghs or parishes may combine (1899 Act, section 1). Ireland: two or more neighbouring districts may combine (1894 Act, section 3).

<sup>4</sup> 1901 Act, section 5.

<sup>5</sup> 1901 Act, section 5; 1894 (Ireland) Act, section 7.

and for England and Wales it is specifically stated that the agreement may cover the interchange of books. Alternatively, any two or more parish or urban district councils may agree to appoint a joint committee for common library purposes.<sup>1</sup>

The provisions for combination and co-operation between library authorities would therefore appear to be almost complete theoretically, but on the practical side the application of the provisions, so far as individual rural areas are concerned, involves difficulties inherent in the administration of such areas.

The rateable value of rural parishes would be low even after combination. The income would be insufficient to maintain and develop an efficient library, and the population, scattered over a wide area, would have but difficult access to the library, whilst, from the small income available, the provision of a system of delivery stations would not be practicable. Similarly, where a parish is allowed by a neighbouring larger authority to use that authority's library, the financial contribution made by the parish must inevitably remain a modest one. The Parish of Papcastle, in Cumberland, had an agreement<sup>2</sup> with the Cocker-mouth Urban District Council to share that council's library service. Papcastle originally contributed the amount produced from a 1d. rate; a subsequent agreement<sup>3</sup> substituted the fixed sum of £8 a year; and this has now been replaced by £4 a year.

Theoretically, therefore, there was nothing to

<sup>1</sup> See the note following section 10 of the 1892 Act.

<sup>2</sup> Under section 5 of the 1901 Act.

<sup>3</sup> Copies of these interesting agreements are reprinted in Appendix III. by courtesy of Mr J. W. Drummond, Clerk to the Cocker-mouth Urban District Council.



prevent a wide combination of parishes, and even of small urban districts also, so as to result in a single library service over an appreciable area, but the idea inevitably remained theoretical rather than practical. The unifying action, which could be taken only by a central authority able to bring about the effective combination of a large number of such districts, was lacking until the 1919 Act made it possible in England and Wales. For parishes, therefore, and even for the small urban areas where the rateable value is low, the only really effective combination as between library authorities is that opened up by the 1919 Act when the county council becomes a library authority.

Advantage is already being taken of the opportunity thus created, and a basis of co-operation, leaving the small library authorities with a degree of autonomy and not involving their complete absorption by the county authority, is being worked out. The Middlesex county library is co-operating with Hounslow, the Brecon and Radnor county library (which is itself a joint scheme) is co-operating with three small borough libraries, and other similar proposals are being made. The initiative in such undertakings is part of the important pioneer work which county librarians are now engaged upon.

The complete absorbing of a locality into the county scheme<sup>1</sup> is, of course, a different matter from combination or co-operation between library authorities. The Calne<sup>2</sup> public library in Wiltshire agreed to be merged in the county scheme when the county council adopted the Acts.

<sup>1</sup> 1919 Act, section 2.

<sup>2</sup> Calne is a borough with a population of 3640.

The county library schemes in Scotland co-operate with many small libraries. This, however, was included under Education Committees and Public Libraries.<sup>1</sup> It is not strictly combination or co-operation between library authorities, but is really the supplementing of library services from resources other than those of another library authority (as mentioned at the beginning of the present section), because the Scottish education authorities, though providing libraries, have no powers under any Libraries Acts. The burgh of Bonnyrigg (Midlothian), however, provides an example of complete absorption into a Scottish county scheme. The Bonnyrigg library is now administered by agreement as part of the county library service and its previous local rate of 1d. for library purposes is no longer levied. The education rate for library purposes is about  $\frac{1}{2}$ d., and the book-stock is augmented and kept in repair by the county library and made to serve a wider area than formerly.

Turning to the question of combination and co-operation between urban districts, there are a number of interesting examples. The urban districts of Sale and Ashton-upon-Mersey (with a population of about 25,000) maintain a joint public library administered by a joint committee.<sup>2</sup> The urban district of Audenshaw and the urban district of Hurst, as well as the parish of Waterloo, are by agreement granted borrowing privileges from the Ashton-under-Lyne public library.<sup>3</sup> These districts levy a rate for library purposes and contribute an annual sum to the library

<sup>1</sup> On p. 94. See also p. 39.

<sup>2</sup> Under the *Local Government Act*, 1894, section 57. See the note following section 10 of the 1892 Act.

<sup>3</sup> Under section 5 of the 1901 Act.

committee of the borough of Ashton-under-Lyne. The first-named urban district contributes £100 annually.

Effective co-operation is also carried out under somewhat different circumstances by certain still larger authorities. The metropolitan borough of Lambeth, for example, in addition to its own branch libraries maintains two others in conjunction with neighbouring authorities, one at Upper Norwood in conjunction with the county borough of Croydon, and the Minet Library in conjunction with the metropolitan borough of Camberwell. These libraries<sup>1</sup> are managed by joint committees having an existence separate from the libraries committees of the co-operating boroughs and consisting of representatives appointed by the councils of the boroughs concerned. The committees make their own estimates and receive half of the amount required from each of the co-operating boroughs.

Apart from the establishment and maintenance of such joint libraries, two or more towns may agree as to the interchange of books and borrowing facilities. Two or more towns may make arrangements for the books in both or all the towns to be available for readers in each town, and such interchange of stock, with all that it promises towards the development of similar ideas on a still wider basis leading up, eventually, to a possible national library service, is now in operation in some districts.

A minor but not unimportant kind of agreement is the arrangement between towns to grant borrowing facilities to visitors from one another's areas, an

<sup>1</sup> The arrangement was originally made under an old *Public Libraries (England) Amendment Act*, 1889. This Act was repealed by the 1892 Act, but corresponding provisions are contained in the 1901 Act, section 5.

agreement in operation, for example, between Croydon and Brighton.

### LIBRARY PROVISION IN RURAL AREAS

Many rural parishes have adopted the Acts themselves, but this has inevitably resulted in an inadequate library income, and in some cases the position is such that the library service which is provided has to be maintained out of funds which amount only to a few pounds a year.<sup>1</sup> Combination and amalgamation for library purposes are possible, as outlined in the last section, but these powers were available for a long period without any real promise of the amelioration of the position of many moribund institutions, and without any provision being made for rural areas generally. As has already been stated, the possibilities were theoretical rather than real.

In England and Wales the 1919 Act makes practicable the establishment and development of efficient county library services. Already to date fifty county councils have adopted the Acts<sup>2</sup> and negotiations are proceeding in four other cases. In the endeavour to encourage county councils to take this step the Carnegie United Kingdom Trust has systematically lightened the financial burden of county councils who are prepared to assume their library functions, and, to this end, has made grants for the initial and early expenses.

It should be remembered that the county councils

<sup>1</sup> See tabular information in the Carnegie United Kingdom Trust report on libraries as referred to in the footnote on p. 117.

<sup>2</sup> Brecon and Radnor have a joint scheme. The Soke of Peterborough is to be worked in conjunction with Northamptonshire.



are greater in number than the actual counties, since several counties are divided into two or more administrative areas, each under a separate county council. In Yorkshire, for example, there are the county councils of the North Riding, West Riding, and East Riding. About forty-six county schemes are now in operation, and all the counties which originally were maintained under grants from the Carnegie Trustees are now being worked with their own funds.<sup>1</sup>

In Scotland, rural libraries have been possible on a county basis under the county education committees since the 1918 Education (Scotland) Act<sup>2</sup>; twenty-eight such schemes are now in operation<sup>3</sup> and negotiations are proceeding with two other authorities.

In Ireland there was no provision for county library systems under the Acts passed for Ireland as a whole. The Parliaments for the Irish Free State and for Northern Ireland now legislate independently for their separate areas, and the 1924 Act for Northern Ireland<sup>4</sup> and the 1925 Local Government Act for the Irish Free State<sup>5</sup> have provided for the establishment of county libraries under the control of the county councils, and for the taking over by the county councils of libraries already established by rural district councils.

<sup>1</sup> The position of county councils as library authorities is further discussed on pp. 63-64 (Adoption of the Acts), pp. 31, 92-94 (Delegation of Powers), p. 97 (Combination), p. 66 (Library Rate), and elsewhere.

<sup>2</sup> See p. 39.

<sup>3</sup> One is a joint scheme between Forfar and Kincardine.

<sup>4</sup> See p. 49.

<sup>5</sup> See p. 52.

## THE LOAN OF BOOKS ; PAYMENT FOR FACILITIES PROVIDED

The provisions concerning the loan of books are more or less similar in the three countries, except that in Scotland there is no provision for the granting of borrowing powers to general outsiders.

In all cases loans are to be free to persons within the scope of the locality. In England and Wales the phrase used is "inhabitants of the district"<sup>1</sup>; in Scotland it is more specifically provided that loans are to be free to householders and inhabitants, and also, if desired, to inmates of institutions provided in or for the locality, and to persons employed in the district<sup>2</sup>; in Ireland there is no definite mention of free loans, but the 1855 Act is entitled "An Act for further promoting the Establishment of Free Public Libraries and Museums in Ireland" (the only existing British Libraries Act of which the title incorporates the word "free"), and it is stipulated that admission shall be "free of all charge."<sup>3</sup> It may therefore be concluded that the loan of books was intended to be free to persons within the locality in Irish library districts, and this is borne out by the later provision for outsiders.

In England and Wales<sup>1</sup> and in Ireland<sup>4</sup> borrowing privileges may be extended to persons other than inhabitants either free or for payment. Where payment is required by outside borrowers, the general method is an annual subscription of, say, five shillings,

<sup>1</sup> 1892 Act, section 11.

<sup>2</sup> 1887 (Scotland) Act, sections 21 and 32.

<sup>3</sup> 1855 (Ireland) Act, section 15.

<sup>4</sup> 1894 (Ireland) Act, section 4.

or whatever amount is regarded as some approximate equivalent to the library rate of a ratepayer within the district. In Scotland, as noted above, there is no legal provision for others than those named.

Section 5 of the 1901 (England and Wales) Act, and section 7 of the 1894 (Ireland) Act, authorising any two or more library authorities to make agreements for the establishment and maintenance of a library in any one of the districts, may perhaps be regarded as having some bearing on the question of library privileges being extended to outsiders. Again there is no corresponding provision specifically made for Scotland.

Admission to a library or museum must be free. This applies also to art galleries under the Acts in Scotland, but is not so stated for England and Wales or for Ireland.<sup>1</sup> Free admission, however, does not reject the institution of safeguards, and a library authority may be fully justified in refusing admission, say, to a lending library to any person who cannot produce a borrower's ticket, provided that no payment is demanded for the supply of one. Since, however, admission is to be free and loans are to be free to persons within the scope of the district, there is no authority for requiring from such persons any payment for the facilities provided as far as the library is concerned. The imposition of a charge for application forms or for borrowers' tickets is therefore not legal. At the same time there is no record of legal action having been taken by any individual to resist such a charge where it is imposed, nor of legal action having been taken by a library authority to enforce any such

<sup>1</sup> 1892 Act, section 11 ; 1887 (Scotland) Act, section 32 ; 1855 (Ireland) Act, section 15. Schools for science and art provided under the Acts are not stipulated as free.

charge where payment has been refused. The latter course might prove very unwise, but until there is a contested objection the practice will continue although it is without any legal basis. The charges referred to are, of course, by no means general, and the question of policy is not under discussion in this book.

The position is very similar where lectures are provided as part of the work of the library, and it would appear doubtful whether a charge can legally be made for admission. A small charge is, however, made in many cases, though in some libraries the charge is restricted to a few reserved seats and "free admission" is thus always available. The Irish Free State, however, forms an exception, and the Statute<sup>1</sup> authorising lectures contemplates a charge being made for admission.

Where a lecture-room is temporarily let to some other organisation the position is rather different. The room may be deemed not to be required for library purposes at the particular time, and under these conditions a library authority in England and Wales and in Ireland is empowered to let it<sup>2</sup>; the organisation or body to whom the room is let may charge for admission to lectures which are then provided. Some libraries make an appreciable income from letting lecture halls to outside organisations for lectures and other purposes.

### SALE OF BOOKS, ETC.

In Scotland alone is there any definite authority given for the sale or exchange of books, works of art,

<sup>1</sup> 1925 Local Government Act (Irish Free State), section 66.

<sup>2</sup> 1892 Act, section 12; 1894 (Ireland) Act, section 5.



or other duplicates,<sup>1</sup> and it is there provided that the money or property received as the result of such action must be applied for library purposes. There is, however, nothing to prevent any library authority elsewhere from exercising the same powers, provided the proceeds are similarly applied.

**POWERS AND DUTIES OF COMMITTEES ;  
CO-OPTED MEMBERS ; PROVISIONS  
OF THE SCOTTISH ACTS**

The actual duties of a committee may in general be defined as the management and control of the institutions established under the Libraries Acts. The duties of a particular committee, however, depend on the powers in the possession of the committee or delegated to it, and the delegation of powers has already been considered in the section dealing with "Constitution of Committees."<sup>2</sup>

In the section just named it was pointed out that Scottish library committees had, as a right, certain executive powers, and the suggestion is sometimes made that the provision of these powers as the legal right of the committee in Scotland is due to the provision for the compulsory co-option of outsiders, since Scottish committees must be composed equally of members and non-members of the library authority. Where a committee must be so constituted to include co-opted members, the possession by the committee of a considerable degree of autonomy would appear to be an essential consequent of the co-optive principle. For the committee to be merely a reporting committee, and for the whole of its actions to be subject

<sup>1</sup> 1887 (Scotland) Act, section 21.

<sup>2</sup> See p. 70.

to confirmation by another body, would not only be discourteous treatment of the co-opted members but might easily destroy the advantages created by the co-option, because co-opted members, whilst having a voice on the committee equally with other members on all matters within the purview of the committee, would have no voice when the proceedings of the committee were submitted for confirmation by the library authority.

But the co-option as members of the library committee of persons who are not members of the governing local authority is not limited to Scotland. It is possible in every case where a library authority appoints a committee in England and Wales and in Ireland,<sup>1</sup> whilst county and county borough library authorities in England and Wales may delegate certain of their library powers to the education committee (which by its statutory constitution already includes outsiders) and that committee may in turn delegate those powers to a sub-committee composed wholly or in part of members of the education committee. Thus co-option similar to that existing in Scotland can be carried out in all cases, but it is elsewhere permissive and not compulsory.

Wherever the co-optive principle is applied it seems only reasonable that executive powers should be conferred on the committee so created, and in the section referred to above ("Constitution of Committees") it was pointed out that actual delegation

<sup>1</sup> England and Wales : 1892 Act, section 15, for urban districts ; *Local Government Act*, 1894, section 56, for parishes, but co-option does not appear to be provided for where parish or district councils form a *joint* committee under section 57 of this Act (see note following 1892 Act, section 10). Ireland : 1877 (Ireland) Act, section 4 ; 1924 (Northern Ireland) Act, section 1.

of powers was possible in all cases except those of uncombined rural parishes in England and Wales and of county areas in Northern Ireland, whilst in many instances (viz. counties, county boroughs, metropolitan boroughs, and any combining library districts in England and Wales, and in combining library districts in Ireland) the powers which can be delegated at the discretion of the library authority are even greater than those conferred by the Acts on Scottish library committees, since all powers other than those of raising a rate or borrowing money may be delegated.

Briefly, therefore, the argument is that in Scotland compulsory co-option is accompanied by compulsory delegation of powers; co-option is elsewhere permissive for all committees set up by a library authority and, where the principle is adopted, it should be accompanied by a similar delegation of powers.

As to co-option itself, it may be added that it appears to carry many advantages. Doubtless all departments of municipal work call for some special interest or knowledge on the part of the committee members concerned if the work of the committee is to be efficiently done, but this is so to a peculiar degree with library committees and library government. On such committees business experience is invaluable, but it cannot make up for the absence of members who have the "library" or "book" mind, or who are otherwise specially useful in library committee work. And since the person with these qualities is not infrequently an individual not otherwise greatly interested in municipal government, and therefore not found on the local authority itself, his (or her) co-option is an asset not to be lost.

But even where co-option is not carried out there would appear to be no adequate reason for this being made an excuse for not delegating executive powers on most library questions to the committee. The raising of a rate and the borrowing of money are statutorily exempted from the powers which may be delegated,<sup>1</sup> and with such final control resting in the hands of the library authority a well-constituted committee may reasonably be entrusted with the fullest powers the Statutes allow, being merely required to report its proceedings monthly to the local authority.

If further centralised control is deemed necessary, it is sometimes suggested that the following are points which may be included in the powers retained by the library authority and not vested in the committee:—

(1) The appointment and dismissal of the chief librarian.<sup>2</sup> In practice, the selection of the chief officer is frequently left with the committee, the choice being confirmed by the library authority, but in some cases the final choice from a small number of selected candidates is made by the library authority itself. Any question of dismissal should be the concern of the larger body.

(2) The establishment of branch libraries or the formation of agreements with other authorities. Since the consent of the library authority is necessary for the levying of the library rate or for the raising of

<sup>1</sup> The raising of a rate is not specifically excepted in the 1893 Act, section 4 (for combining urban districts in England and Wales), or in the 1894 (Ireland) Act, section 3 (for combining districts in Ireland), but it is obviously implied.

<sup>2</sup> It may be noted that the appointment and dismissal of officers is statutorily included in the powers of Scottish committees (1887 Act, section 21).



loans, any projects involving considerably increased expenditure or capital outlay would almost naturally come under the review of the library authority, but in any case it would not seem unreasonable that the library authority should be consulted concerning important commitments.

## ACCOUNTS ; AUDIT

Separate accounts must be kept by every British library authority of receipts and expenditure for library purposes and must be audited in the same way as other accounts of the local rating authority.<sup>1</sup>

In England and Wales this means that for municipal boroughs the audit is by three borough auditors<sup>2</sup> (two, called elective auditors, elected by the burgesses, and one, called the mayor's auditor, appointed by the mayor from the council). For all other library authorities (*i.e.* county councils,<sup>3</sup> metropolitan borough and urban district councils,<sup>4</sup> and parishes<sup>5</sup>) the audit is by district auditor appointed by the Ministry of Health.

The particular method of appointing the auditors (*i.e.* whether they are district auditors or borough auditors) would appear to have an important effect on the interpretation of the powers possessed by a library authority. District auditors reject any ex-

<sup>1</sup> 1892 Act, section 20 ; 1919 Act, section 4 ; 1887 (Scotland) Act, section 9 ; 1920 (Scotland) Act, section 1 ; 1855 (Ireland) Act, sections 5 and 6.

<sup>2</sup> *Municipal Corporations Act*, 1882, section 27. But if a borough combines for library purposes with an urban district other than another borough (1893 Act, section 4), the audit is by district auditor.

<sup>3</sup> 1919 Act, section 4 ; *Local Government Act*, 1888, section 71.

<sup>4</sup> *Public Health Act*, 1875, sections 247, 250.

<sup>5</sup> *Local Government Act*, 1894, section 58.

penditure incurred on lectures, but borough auditors, perhaps more nearly representing the local attitude, often permit or at any rate do not challenge such expenditure.

At the same time it should be remarked that to a limited extent the difficulty is overcome by indirect means. Lecture programmes and tickets generally contain book-lists on the topics of the lectures; the printing can therefore be classified in the accounts as "Book-lists." Again, the library authority (or the committee) may provide "specimens of art and science," and this in many places has been made to cover the purchase of a lantern, etc., or of a piano. The fees of lecturers are, however, the greatest difficulty, and the fact remains that expenditure on lectures as such is not at present strictly legal, although there is every possibility that the next Libraries Act will include a provision to cover such expenditure. Particular places working under a local Act may have powers which the general Libraries Acts do not confer. Thus Liverpool has been given specific power to provide lectures.<sup>1</sup>

Throughout the Irish Free State expenditure on lectures can now be met out of the library rate.<sup>2</sup>

In the case of library commissioners<sup>3</sup> a special

<sup>1</sup> Section 7 of *The Liverpool Library and Museum Act, 1852*, reads: "It shall be lawful for the Council to provide, in the Building appropriated for the Public Library and Museum, suitable rooms for Lectures, and to cause Lectures to be given on Subjects of Science or the Arts in such Building, and to make such reasonable charges for Admission to such Lectures as to the Council may seem fit; provided, that the Surplus of any Money received for Admission to such Lectures, after defraying the Charges incident thereto, shall be placed to the Credit of the Rate by this Act authorised to be levied."

<sup>2</sup> 1925 Local Government Act (Irish Free State), section 66.

<sup>3</sup> 1892 Act, sections 5 to 8.

form of accounts is prescribed by a Local Government Board Order dated 26th November 1892, but no special form is laid down for any other library authority.

Inspection of accounts by ratepayers is provided for to varying degrees in all British library districts. In England and Wales library accounts, except in counties and municipal boroughs, must be open at all reasonable hours to inspection by any ratepayer within the district, and he may make copies and extracts<sup>1</sup>; for county councils<sup>2</sup> and municipal boroughs<sup>3</sup> the treasurer of the county or borough must print yearly a full abstract of his accounts for the year, and this abstract, which will of course include library accounts, must be open to all ratepayers of the county or borough, and they can obtain copies on payment of a reasonable fee.

In Scotland library accounts shall be free at all reasonable times to inspection by any person liable to the rate, and an annual abstract must be inserted in one or more newspapers circulating locally.<sup>4</sup>

In Ireland the accounts must be open to local householders, who can obtain copies on payment of a fixed reasonable charge.<sup>5</sup>

It does not follow that all income from every source and all expenditure will be included in these accounts. Some libraries obtain a small income from the sale of book-marks, etc., bearing advertisements, and from other sources, and the proceeds are applied to undertakings which are statutorily *ultra vires*—e.g. payment

<sup>1</sup> 1892 Act, section 20.

<sup>2</sup> 1919 Act, section 4; *Local Government Act*, 1888, section 71.

<sup>3</sup> *Municipal Corporations Act*, 1882, sections 27, 233.

<sup>4</sup> 1887 (Scotland) Act, section 9.

<sup>5</sup> 1855 (Ireland) Act, section 6.

of expenditure on lectures. Such items are in some cases kept in private and separate accounts and do not figure in the ordinary income and expenditure.

Again there is, for example, no distinct authority for a library to pay the fees of assistants attending classes, or to pay subscriptions to societies, and the auditors have in some cases refused to approve such expenditure. Where periodicals or other publications are received as the result of subscriptions to societies the payments can really be classed as "books" or "periodicals," but otherwise in both the instances just mentioned it has been suggested that the salary of the librarian or assistants can be increased to the extent of the amount necessary to cover the expenditure concerned and any possible surcharge thus be avoided where district auditors make rigid restrictions.

It may be added here that it has been held that any unexpended balance from the library rate may be carried forward to the credit of the following year.

## LOANS

Every library authority in England and Wales may, with the sanction of the Ministry of Health, borrow money for library purposes on the security of any fund or rate applicable for those purposes.<sup>1</sup> In the case of a parish council the consent of the parish meeting and of the county council is also required.<sup>2</sup>

All loans thus raised for library purposes by authorities other than county councils are subject (with the necessary modifications) to certain conditions laid

<sup>1</sup> 1892 Act, section 19 ; 1919 Act, section 1.

<sup>2</sup> *Local Government Act*, 1894, sections 11 and 12.



down in the *Public Health Act*, 1875 (sections 233, 234, 236-239).<sup>1</sup> The following are among the main provisions :—

Money shall not be borrowed except for permanent works.

The maximum period for which money is borrowed shall not exceed sixty years, and the loan must be paid off by equal instalments of principal or of principal and interest, or a sum must be set apart every year as a sinking fund for the repayment.

The Act also provides for the form of mortgage, the keeping of a register of mortgages, the transfer of mortgages, etc.

For county councils as library authorities the conditions are (with modifications) as in the *Local Government Act*, 1888, but, with the modifications, they are very similar to those just stated.<sup>2</sup>

The periods for which the Ministry will approve loans vary with the purpose for which the money is required, but they are generally—

50 or 60 years—for sites or lands,

30 years—for new buildings,

20 to 25 years—for existing buildings, or for fixtures, book-cases, etc.,

10 years—for books and movable furniture.

Recently, however (*i.e.* 1924), the Ministry of Health has refused to sanction loans for the extension of library buildings, on the ground that building labour is needed for working-class houses. The Library Association at its annual meeting in Glasgow in

<sup>1</sup> 1892 Act, section 19 ; *Local Government Act*, 1894, section 12.

<sup>2</sup> 1919 Act, section 1.

September 1924 officially protested against this attitude of the Ministry as being unjustifiable on the grounds claimed for it.<sup>1</sup>

In Scotland no permission of a Government Department is necessary for the raising of loans, but the amount which may be borrowed must not exceed one quarter of the library rate capitalised at twenty years' purchase (*i.e.* must not exceed five times the library rate), and the loans must be repaid from a fund created by setting apart annually at least one-fiftieth of the amount borrowed.<sup>2</sup> The security is the library rate.

In Ireland library authorities may, with the approval of the Treasury Commissioners, borrow "such sums . . . as may be . . . required" on the security of the borough or town fund or library rate.<sup>3</sup> For county areas in Northern Ireland the county library authority may borrow money for library purposes on conditions which correspond roughly with those operative in England and Wales.<sup>4</sup>

The security for loans is therefore in every case the rates, and mortgages on library buildings, etc., are not permissible.

## RATES AND TAXES

The position briefly is that public libraries are liable for local rates but not for income tax. This broad statement, however, needs some qualification.

Rates are a local matter, and prior to the abolition

<sup>1</sup> More recently there have been signs of the restriction being relaxed.

<sup>2</sup> 1887 (Scotland) Act, sections 14 and 15.

<sup>3</sup> 1877 (Ireland) Act, section 5.

<sup>4</sup> 1924 (Northern Ireland) Act, section 1.

of the limitation of the library rate the question of the assessment of libraries to rates was of considerable importance because the payment of rates on library buildings meant the depletion of an income which was in many cases already inadequate. Since the removal of the statutory 1d. rate limitation this aspect of the question has changed, but it would appear desirable that the administrative work involved in the assessment of public libraries to local rates, and the consequent refunding of a portion of the library rate, should be made avoidable in the interests of true economy in local administration.

Actually, however, under the *Act to exempt from . . . Local Rates, Lands and Buildings occupied by Scientific and Learned Societies*, 1843, the Registrar of Friendly Societies was empowered to grant certificates of exemption from the payment of local rates on land and buildings belonging to societies "instituted for purposes of science, literature, or the fine arts exclusively," provided that the society was supported wholly or in part by voluntary contributions, and that it could not make any dividend, gift, division, or bonus in money unto or between any of its members. Some public libraries obtained certificates of exemption under these provisions, donations of books, etc., being accepted at a valuation as covering the requirement of voluntary contributions. The certificates, however, were recognised by the rating authorities in some places and refused recognition in others.

The Liverpool Public Libraries in 1905 contested the assessment to rates in the High Court of Justice, but were held to be rateable although they possessed the exemption certificate from the Registrar of Friendly

Societies and no person resided on the premises. (If any person is resident on the premises there is no doubt about the building either wholly or in part being liable to assessment.) The Liverpool Case therefore ruled that a public library is liable to pay rates and is not a literary or scientific institute entitled to exemption, and the Liverpool libraries now pay nearly £4000 a year in rates and taxes.<sup>1</sup> As a result of the over-riding of his certificate in this case the Registrar of Friendly Societies will not now entertain the application for such certificates from public libraries.

As to income tax, the position is that the *Income Tax Act*, 1842, provides for exemption from tax—

“On any building the property of any literary or scientific institution, used solely for the purpose of such institution, and in which no payment is made or demanded for any instruction there afforded, by lectures or otherwise; provided also, that the said building be not occupied by any officer of such institution nor by any person paying rent for the same.”

The Manchester Case <sup>2</sup> (brought by the Corporation against the local surveyor of taxes) was finally decided in the House of Lords, where it was held that a public library vested in a municipal corporation as a library authority came under the above provision and the Manchester Corporation were entitled to exemption from income tax for the libraries.

Public libraries are therefore at present in the curious

<sup>1</sup> Manchester pays over £2000; Glasgow about £2000; Bradford, Sheffield, Shoreditch, and Leeds over £1000; Birmingham over £3000 including rent as well.

<sup>2</sup> The Mayor, etc., of Manchester v. MacAdam, 1896.



position of being regarded as literary and scientific institutions under an Act of 1842, but not under an Act of 1843, and this position will remain until the Liverpool Case is overruled. It is, as the Hon. Solicitor to the Library Association has said, very much to be regretted that the Liverpool Case was not carried to the Court of Appeal.

It should be noted that exemption from income tax is dependent on the conditions mentioned in the above extract from the *Income Tax Act*, 1842, being complied with. The existence of a book club, a charge for admission to lectures, a charge for letting a lecture hall, etc., would, in a contested case, probably negate any contention that no "profit" was made.

Out of 420 libraries covered by the recent Carnegie United Kingdom Trust report on libraries<sup>1</sup> 112 are totally exempt from rates and taxes.

## RULES AND REGULATIONS

### BYELAWS OF GOVERNMENT AUTHORITIES

#### LEGAL ASPECT AND ENFORCEMENT

A byelaw, like a statute, is enforceable by penalties in a court of law, but byelaws can be made only by an authority which has had power conferred upon it to legislate in this way. Public library authorities are given statutory power to make byelaws,<sup>2</sup> but they cannot do so on their own power alone; in each case a prescribed formality must be followed and the

<sup>1</sup> *The Public Library System of Great Britain and Ireland*, 1921-1923. A report prepared for the Carnegie United Kingdom Trustees by the secretary, J. M. Mitchell. 1924.

<sup>2</sup> England and Wales: 1901 Act, section 3; Scotland: 1887 Act, section 22; Ireland: 1902 Act, section 8.

byelaws confirmed by some other authority<sup>1</sup> before they become legally effective. A public library byelaw, therefore, when made in accordance with the procedure which is stipulated, partakes of the nature of a statutory enactment and is recognised as such by the courts.

In England and Wales and in Ireland<sup>2</sup> the byelaws can be made for regulating the use of the buildings and contents, and for protecting them from injury or misuse ; for requiring any guarantee from any person using them against the loss of, or damage to, any book or other article ; and for enabling the officers and servants of the authority to exclude or remove any person committing any offence against the byelaws or against the *Libraries Offences Act*, 1898. In Scotland<sup>3</sup> wider powers are given and byelaws can be made on any matters concerning the control, management, protection, and use of the departments and contents, and penalties may be imposed for breaches, the penalties not to exceed £5 for each offence.

A regulation, as distinct from a byelaw, is not in itself enforceable in a court of law, although it may cover some point such that a breach of the regulation involves a breach of an agreement, an offence against the common law, or even against statute law.<sup>4</sup> The property of a public library is public property and the power of a library authority (or the library committee)

<sup>1</sup> By the Board of Education in England and Wales ; by the Minister for Local Government in the Irish Free State or by the Minister of Home Affairs in Northern Ireland (see footnote 1 on p. 45). In Scotland byelaws are made by the library committee and must be approved by the library authority and approved and confirmed by the sheriff of the county.

<sup>2</sup> England and Wales: 1901 Act, section 3 ; Ireland: 1902 Act, section 8.

<sup>3</sup> 1887 (Scotland) Act, section 22.

<sup>4</sup> Cf. *Malicious Damages Act*, 1861, and *Library Offences Act*, 1898.

to make regulations is explicitly provided in England and Wales<sup>1</sup> and in Ireland.<sup>2</sup> Such regulations need no confirmation by any other authority, but their scope is, of course, restricted by other statutory provisions—*e.g.* no charge can be made for admittance to the library and no charge can be made for the loan of books to inhabitants of the district.<sup>3</sup> There is, however, no penalty at law for a breach of the regulations as such, and a public library regulation is not therefore in itself recognisable by the courts as a legal enactment as is the case with a byelaw. Any power of enforcement by way of penalty which a regulation may carry comes not from itself but from the common or statute law which may be infringed when the regulation is broken.

The method of dealing with breaches of what are termed rules and regulations depends, therefore, on the offence itself and whether it is covered by common law, statute law, or properly made byelaws. The non-return of a book might be an offence at common law<sup>4</sup>; penalties or fines for overdue or non-returned books might be enforced as the consequence of a breach of the undertaking given by a borrower to be bound by the rules and regulations approved by the library authority or committee<sup>5</sup>; or the penalty might be

<sup>1</sup> 1892 Act, section 15.

<sup>2</sup> 1855 Act, section 12. For Scotland the 1887 Act, section 21, probably covers power to make regulations.

<sup>3</sup> On these and similar points see p. 102, "Loan of Books; Payment for Facilities provided."

<sup>4</sup> In London action can be taken to recover a book from a defaulting borrower under the Police Court Act 1839, section 40.

<sup>5</sup> The regulations may impose fines for overdue books, and such fines have been successfully recovered at law, but the prosecution for fines for overdue or even non-returned books has met with varying success in different districts.

recovered from a guarantor who had signed his willingness to make payment under certain conditions<sup>1</sup>; other offences again might be covered by the *Malicious Damages Act*, 1861, and the *Library Offences Act*, 1898.<sup>2</sup> The whole question of penalties, however, would appear to be covered by properly made byelaws.

The following extract from a letter from the old Local Government Board (whose powers in this connection are now held by the Board of Education) to the Library Association in 1902 summarises the legal position for England and Wales :—

“Section 15 of the *Public Libraries Act*, 1892, enables a library authority to make regulations for the safety and use of the library and for the admission of the public thereto, and such regulations do not require confirmation by the Board; while the *Libraries Offences Act*, 1898, prescribes penalties for certain offences specified therein. In view of these two enactments, it appears to the Board that an extensive series of byelaws under the Act of 1901 will not be found necessary. The Board have, however, caused to be drawn up a short series of clauses dealing with such matters as appear to them to be possible subjects for byelaws enforceable by penalties, and have included in it a clause providing for the removal of offenders

<sup>1</sup> See 1901 Act, section 3. These undertakings and guarantees may be enforced like any other contract, but the undertakings must, under the *Stamp Act*, 1891, be stamped unless the liability is expressly limited to a sum under £5. In many libraries the requirement of a strict guarantee has now been abandoned, and a person who is not a ratepayer is merely required to obtain a satisfactory recommendation that he, or she, is considered a fit and proper person to borrow books. In these cases there is no legal undertaking or liability on the part of the “guarantor.”

<sup>2</sup> For the application of these Acts see pp. 22, 29.



either against the *Libraries Offences Act* or against the byelaws. . . .

“The Board have suggested to local authorities desiring to make byelaws based on the model series that it might be convenient to print in connection with any such byelaws a copy of the *Libraries Offences Act*, and a copy of any regulations made under the Act of 1892 might also be appended.”

The series of byelaws referred to above is as follows :

*Byelaws made under Section 3 of the  
“Public Libraries Act, 1901” :*

1. A person shall not to the annoyance of any other person engage in audible conversation in any reading-room in the library.

2. A person shall not wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library.

3. A person shall not cause or allow any dog belonging to him or under his control to enter or remain in the library.

4. A person other than an officer or servant of the library authority shall not enter or remain in any part of the library not set apart for the use of the public.

5. A person shall not light any match or smoke tobacco or any like substance in any part of the library.

6. A person shall not carelessly or negligently soil, tear out, deface, damage, injure or destroy any book, newspaper, magazine, pamphlet, map, chart, plan, engraving, etching, print or other document forming part of the contents of the library.

7. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of . . .

Provided, nevertheless, that the court of summary jurisdiction before whom any proceedings may be taken in respect of any such offence may, if the Court think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this byelaw.

8. Every person who shall commit any offence against the *Libraries Offences Act*, 1898, or against any of the foregoing byelaws may be excluded or removed from the library by any officer or servant of the library authority in any one of the several cases hereinafter specified, that is to say :

- (i) Where the offence is committed within the view of such officer or servant and the name and residence of the person committing the offence are unknown to and cannot readily be ascertained by such officer or servant.
- (ii) Where the offence is committed within the view of such officer or servant and from the nature of such offence or from any other fact of which such officer or servant may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the library of the person committing the offence may result in another offence against the Act or against the byelaws, or that the exclusion or removal of such person from the library is otherwise necessary as a security for the proper use and regulation thereof.

## **PART III**

# **OUTLINES AND SPECIAL FEATURES OF COLONIAL AND UNITED STATES LEGISLATION CONCERNING LIBRARIES**





## LIBRARY LEGISLATION IN CANADA

"So far as public libraries are concerned, Canada and Ontario are almost synonymous terms,"<sup>1</sup> for Ontario has always taken the lead in Canadian public library development. There are, however, not only Provincial Libraries but also a number of public libraries in each of the Provinces, some of them of considerable importance. *The Canadian Digest* for April, 1924, draws a comparison between the municipal activities of Winnipeg, with its population of 282,000, and an important named British city, with its population of 230,000, and quotes Winnipeg as having thirty-five public libraries as compared with the seven in the British city. But the *Ontario Library Review* for August, 1923, gives the total number of places with public libraries in Ontario as 466, and credits Alberta with seven, British Columbia with five, Manitoba with five, New Brunswick with five, Nova Scotia with thirteen, Quebec with eight, and Saskatchewan with sixteen, all irrespective of a number of Association Public Libraries and Mechanics and Literary Institutes. The above general statement holds good, therefore, for relative numbers, and it also holds good for progressive legislation, as is shown by the Ontario Public Libraries Act of 1920 which is discussed in the following pages. The outlook throughout the Dominion is, however, very promising, and probabilities point to other Provinces following the legislation of Ontario.

<sup>1</sup> *The Public Library: its Place in our Educational System*, p. 26. By E. A. Hardy (Toronto), 1912.

Parliament passed Acts granting financial aid to the Mechanics Institutes of Toronto and Kingston in 1835, and this principle was extended by subsequent legislation until in 1858 State grants were made to sixty-seven Mechanics Institutes. Thereafter the grants fell off until they were reorganised by an 1868 Act which authorised a State grant equal to the amount raised from local resources, up to a maximum grant of 200 dollars. The grant basis was later extended. State inspection was introduced in 1872 and the grants made dependent on the reports.

Meantime, a general Libraries Act in 1854 had authorised county councils to establish school libraries in each school, a general public library in each municipality, professional libraries for teachers, and a library in any public institution controlled by the municipality. The first Ontario Free Libraries Act, however, passed in 1882, was modelled on the British (Ewart) Act, and authorised the establishment of rate-supported libraries and museums, with a fixed maximum rate.

The fostering of libraries by the State, Government inspection, and Government grants have therefore been accepted principles from early times. They have been almost consistently developed, and the latest Public Libraries Act for Ontario, passed in 1920, is a very efficient and comprehensive document. The following is a brief summary of its outstanding features :—

Part I. of the Act authorises the establishment of public libraries in any city, town, village, township, or school section. There are special provisions for the smaller localities, but in the larger areas the procedure is by means of a petition signed by sixty electors (in

some cases thirty), followed by a byelaw being passed by the local council and submitted for the assent or rejection by vote of the local electors as a whole.

Management, regulation, and control of the institutions provided is vested in a Public Library Board. This is quite a small body composed of the mayor of the town or city (or the reeve of a village) together with never more than eight other members appointed by the local council and local education authorities. Members of these bodies cannot themselves be appointed as members of the Public Library Board. This governing board is not really subordinate to the council, but acts within its own jurisdiction. The board must meet at least once every month from September to June, and a majority of the members is necessary for a quorum. An interesting provision concerning the board is that any member who is convicted of a criminal offence, becomes insane, or is absent from the board meetings for three consecutive months (unless authorised to be absent by a resolution on the minutes), automatically vacates his seat.

The board is made subordinate to the local council only inasmuch that the library accounts of the board, when audited, must be laid before the council, and that the council has a voice in the regulation of the aggregate expenditure. The board must submit to the council detailed estimates of the money required to meet any loan charges and to cover general library expenses for the year. This amount the council must raise by a special Public Library Rate, but the maximum sum raised must not exceed 50 cents *per capita* of the population of the district, or, by resolution of the council, 75 cents *per capita*. The rate, however, is raised on the ordinary basis of taxable

assessment; there is no idea of a poll tax, and the aggregate amount raised is merely theoretically averaged out on the *per capita* basis of the population for purposes of arriving at the maximum amount which may be levied.<sup>1</sup> When the rate is raised the council must withhold and retain as a first charge on the rate whatever amount is required for the year for interest and debt redemption. The remainder of the rate is received by the treasurer of the municipality and paid out by him on the order of the Public Library Board. Loans may, on the request of the board, be raised by the council by means of Public Library Debentures, but the annual amount required for debt charges must not exceed one-fourth of the amount of the library rate. If the council refuses to raise the loan, the question must be submitted to the vote of the local electors. On the other hand the council may make grants in money, lands, or buildings to the Public Library Board.

The board may establish and maintain libraries, together with branch libraries, distributing stations, reading-rooms, art galleries, or museums in connection with the library, or any shop or plant for producing anything required for the library or its grounds. It may purchase not only books, periodicals, etc., but such things as apparatus and facilities for illustrating by lantern or moving picture. It may permit any part of the library buildings to be used for lectures, but may not furnish free light and heat to any municipal body or other tenant that may occupy any room in the library. It may make rules (and impose suitable penalties for breaches) for the use of the institutions and the admission of the public, but all

<sup>1</sup> This may be compared with the A.L.A. resolution on p. 145.



libraries must be open to the public free of charge, although a fee may be required from non-residents who use the library, and no board may make any rule establishing an age limit for children who may receive library service.

An annual report must be submitted on special forms to the Minister of Education.

Part II. of the Act authorises the establishment of public libraries by what are called library associations in districts where a free public library has not been established under Part I. of the Act. Registers of members and fees paid must be kept, but any person, regardless of age, may become a member. Such libraries are administered by Boards of Management appointed originally from the organisers and subsequently by the annual meeting of the members. An annual report must be submitted on special forms to the Minister of Education.

Part III. of the Act is headed "General Provisions," but covers some highly important and interesting points. It provides that the Minister of Education (with the approval of the Lieutenant-Governor) may make regulations :

- for the apportionment of the money appropriated by the Legislature for public libraries ;
- for the establishment, organisation, and management of public libraries ;
- for the establishment, organisation, and management of library schools, and for examinations and the issue of certificates ;
- for governing the qualifications of librarians and assistants ;
- for the management of travelling libraries.

It is provided that the Minister of Education may authorise the payment of :

- grants to Public Library Boards (including those of library associations), but where a board fails to comply with the regulations the whole or any part of the grant may be withheld ;
- salaries and expenses of Government officers employed in work in the interest of libraries in general ;
- the cost and preparation of books, pamphlets, plans of buildings, equipment, supplies, etc., for the promotion, organisation, and advancement of libraries ;
- the cost of library publicity work, including fees and expenses of speakers.

The Minister of Education may also establish and maintain :

- travelling libraries ;
- a bureau of home study, in connection with which the cost may be paid of the compilation of reading courses by specialists, the compilation and annotation of bibliographies, and of written lessons for study and practice ;
- library schools for the training of librarians and assistants, and may pay the travelling expenses of students and also the board and lodging expenses of students in small libraries when he deems it necessary or expedient.

A Public Library Board may request the judge of the county or district to appoint the janitor to be a special constable for the protection of the library and its contents, and he shall have all the powers of a constable.

Disorderly conduct by any person who wilfully interrupts or disquiets a public library, reading-room, museum, or art school is made punishable by fine.

From the foregoing provisions under Part III. of the Act it will be seen that the functions of the State Library Commissions in the United States<sup>1</sup> are vested, in an extended form, in the Minister of Education in Ontario. The executive officer of the Minister of Education, so far as library questions are concerned, is the Inspector of Public Libraries, by whom, therefore, the whole library service of the Province is supervised. As is obvious, however, the department of the Inspector of Libraries covers much more than actual inspection. The Ontario Library Training School is a Government institution and is under his direction, and the *Ontario Library Review and Book-Selection Guide*, published quarterly in the interest of the libraries of the Province and having a very large free circulation, is edited by the same official. He is responsible for the encouragement and development of professional education, the extension of modern methods of librarianship generally, and for "the steps to be taken for the salvation of small and decadent libraries, entailing the study of how to revive the quick and resuscitate the dead."<sup>2</sup>

## LIBRARY LEGISLATION IN AUSTRALIA AND NEW ZEALAND

The separate colonies in Australia are in a position similar to that of the separate states in the United

<sup>1</sup> See p. 140 *et seq.*

<sup>2</sup> Report of the Minister of Education for 1909.

States, and have power to legislate within the Constitution for their own areas. Each colony is therefore responsible for its own library laws. In the principal towns of the colonies there is a Government library ; this is not necessarily also a municipal institution, although in most cases it serves in both capacities. Separate institutions are to be found in Sydney (New South Wales).

NEW SOUTH WALES.—The Public Library of New South Wales, at Sydney, which originated in the purchase by the Government in 1869 of the Australian Subscription Library, is a Government institution providing a reference library, and in 1890 was endowed by statute with £2000 annually from Government Consolidated Revenue, exclusive of rent and salaries. The Sydney Municipal Library, maintained by the municipality, was formed by the transfer to the council of the lending section of the Public Library in 1908-1909.

Public libraries may be established by any shire or municipality in the colony and grants are made from Government funds.

VICTORIA.—The Melbourne Public Library is wholly supported by the Government of Victoria. It provides a reference library, a lending library, and a country lending library, and lends books to any municipality in the colony. Most of the libraries throughout Victoria receive grants of funds from the Government of the colony.

QUEENSLAND.—Municipal councils and divisional boards may make byelaws for the establishment, maintenance, and management of public libraries. The Free Public Library at Brisbane receives an annual grant of about £1000 from municipal funds.



**SOUTH AUSTRALIA.**—The Free Libraries Act of 1898 (amended in 1902) gives municipal and district councils power to establish free libraries with the consent of the ratepayers, to borrow money for library purposes up to an amount not exceeding ten times the library rate, and to declare a library rate not exceeding 3d. in the £. Grants are made by the Government of the colony to free libraries so established, and also to library institutes.

**WESTERN AUSTRALIA.**—There is as yet no general Libraries Act in Western Australia. The Public Library of Western Australia, at Perth, is a Government-supported library and receives an annual grant from Government funds of £6000. (The grant covers the museum as well as the library.) A travelling libraries branch is maintained as one of the functions of the library and circulates books to institutes in the colony.

**TASMANIA.**—The library law of Tasmania may be compared with that of Texas.<sup>1</sup> The Tasmanian law merely states, after a brief preamble, that :

“The Municipal Council of every municipality may, from time to time, apply such sum as it sees fit, out of the rates of such municipality, in and towards the formation and maintenance of Public Libraries within such municipality.”

The Act has been adopted only by Hobart, the principal town of Tasmania, which applies a 1d. rate to library purposes. The Hobart Library receives a grant from the Government of Tasmania, as also do other smaller libraries in the colony.

NEW ZEALAND.—The local authority of any city, village, or district can, with the consent of the ratepayers, adopt the Libraries Act of 1869 and levy a library rate not exceeding 1d. in the £. A Government grant equal to the amount of the library rate is made to such public libraries. Public admission is free to reading-rooms, but borrowers must subscribe not less than 5s. a year. There are now thirteen public libraries in New Zealand, the principal ones being at Auckland and Christchurch.

### LIBRARY LEGISLATION IN SOUTH AFRICA

The Public Library at Cape Town was established by a Government Proclamation in 1818 and, under an Ordinance passed in 1836, receives a free copy of every publication issued in Cape Colony. Other public libraries throughout South Africa are maintained mainly on the basis of subscription libraries. The subscriptions were formerly supplemented by limited grants from the Union Government, in return for which reading-rooms and reference libraries were to be open to the public, and in the larger towns donations of funds are made by the municipal authorities. The Union Government now appears, however, to have left the continuance of the Government grant to the provincial legislative assemblies, with the result that State aid has become less consistent. Some of the principal public libraries are organised and administered on modern methods, and there is a movement towards placing the libraries definitely on a municipal or national basis, but no adoptive Public Libraries Acts corresponding with the British Acts are as yet available.

## PUBLIC LIBRARIES IN INDIA

Libraries have been established at the headquarters of several of the Provinces, and these are, of course, Government libraries maintained at State expense. Many of the universities and colleges also possess libraries which indirectly receive Government assistance, and a magnificent new building for the Madras University Library is now in course of erection. \*

So far, however, as public libraries in the ordinarily accepted sense are concerned, there are no adoptive Library Acts in India corresponding with the British Libraries Acts, but in this respect it should be remembered that, whilst in British India there is local, provincial, and central Government taxation, there is no uniform method of revenue raising in the Native States. Consequently, no real comparison can be made between British and Indian library provision, by taking India as a whole.

Several public libraries are in existence in various parts of India, but it is a remarkable fact that the native state of Baroda alone provides examples of really modern, progressive public libraries. In this state the present Maharajah has instituted a policy of compulsory free education, and has set up that necessary corollary, an efficient public library system. The Maharajah in 1910 handed over his private library for public use, and in the following year established a State Library Department. "The Library Department is under the general control of the Educational Commissioner, and is State-supported." "The first Director was Mr W. A. Borden, who came from the United States and founded the Central Library, set on foot a system of State-aided

libraries and reading-rooms, organised travelling libraries, and established the first library school in India. . . . Free State-aided libraries in the Baroda State during 1922-1923 were as follows: 43 Town Libraries, 589 Village Libraries, 90 Reading Rooms, 82 Libraries with buildings. The regulation is that all libraries coming under the original scheme should be entirely free to all, young and old, rich and poor, of every caste and creed.”<sup>1</sup>

Amongst other things which the Library Department undertakes are what are termed “visual instruction activities,” which include, by way of providing propaganda, cinema exhibitions. The travelling library section which the Department administers as part of its extension work was, in 1924, circulating nearly five hundred boxes of books, and a high degree of effectiveness and thoroughness is shown by the fact that during the plague epidemic of 1917 special library facilities were provided for the native isolation camps.

The state of Baroda had a court at the British Empire Exhibition at Wembley, 1924, and the progressive nature of its State public libraries was illustrated by the inclusion among the exhibits of maps showing the libraries in the various districts, and diagrams showing the progress of the free public libraries from 1911 to 1923, the population served, and the relation of the total book stock and circulation to the entire literate population. It may be added that the Baroda Central Library includes a children’s section, with story hours and cinema exhibitions.

<sup>1</sup> *Library World*, March 1924, pp. 272-273.



## LIBRARY LEGISLATION IN THE UNITED STATES

The library laws of the United States are highly important. They provide in themselves a basis for a study of comparative library legislation and exhibit a variety of features, including, in different instances, an attempt at the compulsory establishment of libraries, State aid and supervision, and complete freedom from rate restriction, whilst in some cases the library statute is so brief that it imposes no restrictions whatsoever. These points are, of course, by no means everywhere present, and in some of the States library legislation is very comparable with similar British legislation.

The United States library laws as a whole are really of three classes : (1) Federal (*i.e.* national and applying to the whole country) ; (2) State (applying only to the particular State) ; and (3) Municipal (applying only to the particular locality).

Each State has complete powers of legislation within the written Constitution of the United States, and Federal library laws are such as relate only to matters like the importation of books, the distribution of Government documents, and to those libraries established by the Federal Government (really Government libraries).

The third class is merely the application to the locality of laws passed by the Government of the particular State within which the locality falls, and corresponds, therefore, with the adoption of the Acts in a British library district.

It is consequently the second class with which we are particularly concerned, and it should be understood

that there are no general Libraries Acts applying to the whole country as is the case with British library legislation, but that each State within the Union is responsible for its own library statutes ; it is this fact which has produced the variety of library laws just mentioned.

State legislation really dates from 1700, when South Carolina passed an Act for the protection and regulation of a privately established lending library, and the precedent then created was followed in other States, with the result that a class of legislation was developed for the incorporation and regulation of a number of proprietary, subscription, and private society libraries. This is not library legislation in the general way but, as the idea of free public libraries developed, these libraries obtained extended privileges and gradually became public libraries properly speaking. Many modern libraries therefore had their origin in these subscription libraries, and some of them, though free libraries open to the public, are still controlled by incorporated associations receiving financial aid from the municipality or State.

The next definite movement was the establishment of school-district libraries. These libraries were provided for the school districts of the various States under State school laws beginning with that of New York State in 1835. They were not, however, restricted to school children, but were for the benefit of all inhabitants within the school district, and were supported by State grants and funds raised from local taxation. The school-district libraries, though part of the general educational system rather than a distinct library movement, promised well, and by 1877 twenty-one other States had passed similar laws, but the

system was ultimately a failure owing to the inadequate funds available for each locality and the lack of proper local management—the librarian was often a frequently changing teacher. The books gradually disappeared and the project lapsed.

The school-district library experiment, however, had prepared the way for library legislation as it is properly understood, and in 1849 the New Hampshire legislature passed a law enabling municipalities to establish and maintain public libraries. This was the first of such laws in the United States and it should be remembered that it preceded the British (Ewart) Act by one year. Another State, Massachusetts, had passed a similar Act for the city of Boston alone in 1848, but the law was not extended to the whole State until 1850. New Hampshire was thus the pioneer in providing a general law for establishing and maintaining free public libraries from local rates, and it is worthy of note that from the beginning there has been no limitation in that State of the amount that could be raised by rates for library purposes.

The general principle of this law (*i.e.* the authorising of the establishment of rate-supported libraries) has been adopted by the whole of the forty-eight States in the Union. New Hampshire was, however, again a pioneer when in 1893 it passed a law requiring each town to assess annually a sum reckoned at thirty dollars for every dollar of State tax apportioned to the town, and to devote this sum to establishing and maintaining a free public library within the town. Throughout the State of New Hampshire, therefore, it is compulsory for every town to levy a library rate unless the rate is specifically rescinded by popular vote.

State aid for libraries came next. Massachusetts in

1890 legislated for a State Library Commission to promote the establishment and better organisation of libraries throughout the State. The Commission consisted of five members appointed by the State Governor, and had power to advise and help public libraries generally. The idea of Government responsibility for the fostering of public libraries was definitely accepted, and this conception was rapidly adopted in other States until by 1921 there were similar Library Commissions, composed of five or six library experts, in thirty-seven States. The State of Colorado has two Library Commissions, the second one having for its function the maintenance of a system of travelling libraries, but generally these State Library Commissions supervise the libraries, give both professional help and books to small libraries, establish travelling, school, and institutional libraries where ordinary public library facilities do not exist, give advice as to professional training and employment, and carry out numerous similar duties.<sup>1</sup>

All the State Library Commissions issue small handbooks or reports, and the following extracts from that published by the "Board of Free Public Library Commissioners of Massachusetts" indicate the present scope of the pioneer Commission :

#### OUR SERVICE TO MASSACHUSETTS TOWNS

We send books to libraries in towns under \$1,000,000 valuation, co-operating with superintendents of schools and teachers in selecting such books as may be desirable for school or reference work.

<sup>1</sup> The work of the State Library Commissions in the United States should be compared with that of the Inspector of Libraries under the Minister of Education in Ontario. See p. 129.



We aid librarians and trustees in the selection of books, and give advice on library problems by personal visits and correspondence.

We compile lists of books on special subjects and recommend suitable books for purchase, on request.

We reorganise small libraries by modern methods, sending a cataloguer for two or three weeks, the only expense to the town being her room and board while there.

We send supplies for recataloguing to small towns.

We confer with trustees and librarians on extension of library service, make surveys of existing conditions and recommendations for future policy.

We arrange for instruction in the use of the library in the schools. We send a representative to the small libraries to demonstrate this work.

We arrange for travelling libraries through the co-operation of the Woman's Education Association.

We will provide, if possible, any special book not obtainable by inter-library loan from neighbouring libraries.

We give an annual examination for library positions and recommend with credit those who pass successfully. We also keep a file of applicants with their recommendations, and furnish this information on request.

We collect and submit statistics of libraries in the State for the guidance and information of trustees and librarians.

We pay tuition to Simmons College Summer School each year for two or three librarians of small libraries, and are glad to receive applications from those interested.

We conduct a three days' Institute for librarians

every summer, especially for the librarians of the small libraries. Others interested are welcome.

We advise with trustees and others regarding proposed library buildings. We have a collection of plans of libraries of varying size and cost.

We are ready to advise and assist, if possible, any library in the Commonwealth asking for help.

Our agent will visit any library on request, and address local clubs or teachers' meetings.

If you desire, you can make your library more efficient, more useful, more valuable to your town by availing yourself of the helps that are at your disposal, at no expense to you. Simply write us, requesting information on any branch of our service in which you are interested.

The success of the Massachusetts Commission may be judged by the fact that on its establishment in 1890 there were in the State 105 towns without free public libraries. By 1900 there were only seven, and there is now a public library in every one of these.

In a few States the work of the Commission is carried out by the State Library or the State Board of Education, and generally there is a tendency towards the transfer of the work and powers of the Library Commissions to the State Libraries and towards the consolidation of the various State library agencies with the State Education Department. This centralisation is well shown in the State of New York. There the State Library, together with its Library Extension Division<sup>1</sup> and the State Library School, is administered in conjunction with the University of

<sup>1</sup> Whose work corresponds with that of State Library Commissions.

the State of New York. The Library Extension Division in 1923 distributed State grants to free public libraries and for their benefit to the amount of \$38,000, and to school libraries to the amount of \$108,000. Its travelling libraries section contains 128,000 volumes and the latest report says: "It has long been the claim of the State Library that any citizen of the State, wherever he chanced to live, should have access to adequate book resources." The Library Extension Division also issues *New York Libraries*, a thirty-two-page quarterly bulletin published in the interest of the libraries in the State and sent free to them and to all members of library boards.

In some cases, as in California and Wisconsin, the Commissions conduct library schools; in other cases summer schools are held. Library training schools are therefore closely linked up with library legislation in the United States. The New York State Library School, the pioneer school, was established in 1887, and to-day ten universities and colleges and an equal number of libraries have schools with courses covering one to four years, whilst a greater number of universities and libraries provide short courses and summer courses in library training. Some of the State university schools have courses leading to the degree of Bachelor of Library Science; some schools admit only students who have a degree in Arts; others make possible the combination of a college and library course leading to a Bachelor's degree from the college or university and a diploma from the library school.

As to county libraries in the United States, these are really the most recent development of United States public library policy. Rural districts shared in the early school-district libraries already referred to,

but it was exactly in these areas that the failure of the scheme was most pronounced. The Constitutions of some of the States also provided for county library systems, but little effective work was done until 1898, when the State of Ohio revived the project. The comprehensive law of the State of California was passed in 1909, and between twenty and thirty States now have legislation for county libraries, providing either for the establishment of a separate county library system or the adoption of an existing library for county purposes.

The county libraries cater for the areas outside incorporated cities and towns maintaining public libraries, but, in some States, cities and towns may join the county library scheme or make arrangements with it for such service as they desire, or the county may arrange with a city library to extend its provisions to the county areas, or counties may arrange with each other for a joint library service. There is thus scope for a considerable variety of method. The county libraries are supervised by the State Library Commission, the State librarian, or the State Education Authorities. State county library laws are invariably permissive and not compulsory, and in some cases a vote has to be taken for their adoption.

Three other aspects of United States library legislation should be noticed. First, the question of the limitation of the library rate. In some States (*e.g.* New Hampshire, as mentioned above) no restrictions have ever been specified. In other States a maximum or a minimum rate (or both) is laid down, whilst in others again the rate is variable in accordance with the municipality and its financial resources. It may be noted here as a matter of interest that in 1922 the



American Library Association adopted the recommendation of its committee on library revenues to the effect that \$1 *per capita* of the population served was "a reasonable minimum revenue for the support of a public library." The committee expressed the belief that much more than \$1 *per capita* was necessary for the full development of a public library, and a number of libraries have passed this mark, some of them very appreciably.<sup>1</sup>

Secondly, the great variation in length and detail of the library laws of the different States. The majority of the library laws define the powers and duties of the library authority somewhat minutely and in a manner similar to the British Acts, but in some States the same type of Act as that of Tasmania<sup>2</sup> is operative. The Library Law of Texas, for example, passed in 1874 reads in its entirety :

Any incorporated city may establish a public library and may make such regulations and grant such part of its revenue for the management and increase thereof as the municipal government may determine.

It is argued that whilst the short form of library law gives the fullest freedom to the municipality to develop its own library system on the most generous lines, the longer form attempts to ensure that approved methods shall be applied in library management, and the stipulations of the Acts therefore make, in the long run, for protection and not for hindrance.

<sup>1</sup> This idea should be compared with the somewhat similar idea included in the provisions of the Ontario Public Libraries Act of 1920 as noted on pp. 127-128.

<sup>2</sup> See p. 133.

Thirdly, the legal provision for certification or registration. In the State of New York the Regents of the State University are given power under an education law of 1923 to fix standards of library service and to enforce them, and under this provision the Regents have adopted a scheme of certification of librarians and library workers within the State. The powers of enforcement have not yet been applied and the scheme is so far only voluntary; no one is required to have a certificate to hold his present position or to secure a new one, but the time is foreseen when certification will be compulsory for all important library positions. The certification is of two grades (designated as librarians' certificates and library workers' certificates) and the certificates are based on general education, professional or technical education, and experience. Applications are dealt with by a committee of three persons chosen by the library council of five librarians; this council is appointed by the University Regents yearly as an advisory body to the university on library matters. Of the examining committee one member must be an officer of the university and the two others must be professionally engaged in library work within the State.

In the State of Wisconsin certification is made essential under an Act passed in 1921. The certification law provides for the granting of certificates by a body of five, consisting of two librarians and one trustee appointed by the Governor, a member of the university faculty selected by the president of the university, and a member of the State Library Commission staff. Four grades of certificates are recognised, and are based on general education, special library training, and successful experience in library work.

Recognition was given to those in charge of libraries at the time and to those who had had successful experience in libraries within the State. After 1st January 1923 no person may be appointed as chief librarian in a city or town having a population of over 2000 unless such person has a certificate of the requisite grade.

Somewhat closely related to this question of registration or certification is the *Classification Act*, passed by the United States Congress in 1923. This Act created a Personnel Classification Board to "grade" the Government staffs, and set up five "services" for this purpose :

- (1) professional and scientific ;
- (2) subprofessional ;
- (3) clerical, administrative, and fiscal ;
- (4) custodial ;
- (5) clerical-mechanical.

All Government librarians are now graded in the professional and scientific service, thus giving to librarianship the highest professional status. "Library workers, from the lowest page-boy at \$900 to the librarian of Congress at \$7500, are now in the sub-professional or professional services. Professional standards are written into the job specifications governing the selection of future Government librarians."<sup>1</sup> Salaries were revised as a result of the grading, and in the catalogue division of the Library of Congress, for example, the average increase was nearly 36 per cent., whilst in the District of Columbia Public Library the percentage of increase was slightly higher.

<sup>1</sup> M. O. Price in *The Christian Science Monitor*, reprinted in *The Library Assistant*, October, 1924.

*Local Acts* (Additional note in continuance of the section on pp. 149-150).

A recent example of the way in which a local Act overrides the application to a particular locality of the Public General Acts is furnished by the attempt of the Westminster City Council to remove the deadlock caused by the Westminster Libraries case outlined on pp. 84-85. By a Private Bill the council seek power to use the St Martin's Lane Library for their own (non-library) purposes, undertaking that an equivalent library shall be provided in the neighbourhood within a period of three years, and that in the meantime a public lending library shall be maintained in the existing building ; the stated period of three years can be extended only with the approval of the Ministry of Health. The Bill was unopposed in committee stage and on becoming law as an Act will, to the extent just explained, override the provisions in the Libraries Acts concerning the disposal of lands and buildings and also the injunction granted by the Courts in the Westminster Libraries case.



## APPENDIX I

### A NOTE ON LOCAL ACTS OF PARLIAMENT, GOVERNMENT LIBRARIES, COPYRIGHT, ETC.

*Local Acts.*—Local Acts are frequently passed through Parliament on behalf of a certain locality in modification or extension of the Public General Acts. In this way many places obtained for themselves before 1919 a modification of the 1d. rate limit, and several cities and towns secured other special facilities concerning library provision. Liverpool had a special Act in 1852 for the establishment of its libraries, and the provision of lectures was covered by the Act.<sup>1</sup> The Brighton Public Library, Museums and Art Gallery are administered under Local Government Board Orders in connection with the *Brighton Town Improvement Act, 1850*. These Orders allow libraries, museums, art galleries, and the Booth Museum to be considered as being part of the Pavilion Estate which was bought in 1850. A maximum amount equal to the product of a 4d. rate may be devoted to the upkeep of the Estate, and as the expenses on the Estate proper are comparatively small, almost if not entirely the whole amount levied goes for library purposes. The Glasgow district (or branch) libraries were established under the *Glasgow Corporations (Tramways, Libraries, etc.) Act, 1899*, and Huddersfield and Kingston-on-Thames also have special Acts for the establishment of libraries. Nottingham has power, under the *Nottingham Corporation (Gas) Act, 1874*, to apply profits arising from the municipal gas undertaking “in such manner as the Corporation thinks best for the improvement of the Borough and the public benefit of the inhabitants,” and for many years prior to the abolition of the statutory limitation of the library rate over £2000 a year was devoted from this source to library and museum purposes.

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<sup>1</sup> See p. 110, footnote 1.

Prior to the abolition of the rate limitation in England and Wales many towns had secured the removal or alteration of the statutory limit by means of clauses inserted in some local Improvement Act passed through Parliament on behalf of the city or town. Birmingham, Cardiff, Darwen, Edinburgh, Glasgow, Halifax, Manchester and Sheffield were among the principal places with such local provisions.<sup>1</sup>

*Government Libraries.*—The only public library of a general character in England supported entirely out of Government funds is that of the British Museum, but many other libraries are maintained by Government funds or, directly or indirectly, receive Government Grants. Most of the Government Departments have their own libraries, some of which are available for public use; a library is maintained in the House of Lords and another in the House of Commons for the use of members of those Houses; and the universities receive grants of public money.

The National Library of Wales is at Aberystwyth; it is of recent foundation, but has grown very rapidly.

Scotland has no State library as yet, but the Advocates' Library is about to be transferred from the Faculty of Advocates to the Government.

The State reference library in Dublin is provided under the Science and Arts Department, and is maintained at Government expense. This is officially the National Library of Ireland, but it is less important than the Library of Trinity College.

*Copyright.*—Under the provisions of the *Copyright Act*, 1911, a copy of every published book must be delivered to the British Museum within a month of publication. A copy must also be delivered if demanded, but not otherwise, to Stationers' Hall or some other named depot in London, for supply to the Bodleian Library, Oxford; the University Library, Cambridge; the Library of the Faculty of Advocates, Edinburgh; the Library of Trinity College, Dublin; and the National Library of Wales, Aberystwyth.

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<sup>1</sup> See also additional note concerning local Acts on p. 148.

## APPENDIX II

### MUSEUMS AND GYMNASIUMS ACT, 1891

[This adoptive Act originally applied to urban authorities throughout England and Wales (not including, when passed, the administrative county of London, to which its provisions were extended by the 1901 Libraries Act, section 13), and Ireland. It never applied to Scotland. Museums could thus be established and maintained in England and Wales and in Ireland apart from the Libraries Acts. Also where a library together with a museum had been established under the Libraries Acts, a means of avoiding some of the financial embarrassment due to the 1d. rate limitation was possible by the subsequent adoption of the Museums and Gymnasiums Act for the support of the museum.

The 1919 Libraries Act, section 9, prohibited the further adoption of the Museums and Gymnasiums Act by any authority in England and Wales, but provided that any existing museum which had already been established under the Museums and Gymnasiums Act could still be maintained under that Act. If, however, any museum had been so provided for a library district, it had to be transferred to the control of the library authority and maintained as though it had been provided under the Libraries Acts.

Apart from Local Acts, any new museum in England and Wales must therefore be provided under the Libraries Acts.<sup>1</sup> The Museums and Gymnasiums Act still applies to Ireland, subject to the powers of the two separate parliaments as commented upon on pp. 40-1.]

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<sup>1</sup> See 1892 Act, section 11.

[§ 3] ADOPTION.—The Act may be adopted, by resolution, by an urban authority for their district either wholly or so far as it relates to museums only or to gymnasiums only. One month's notice of intention to propose the resolution must have been given, and the resolution, after having been passed, must be published by advertisement in at least one newspaper circulating locally, and notice of it must be published at certain public places. It shall not come into operation for at least one month after publication. A copy of the resolution must be sent to the Ministry of Local Government in the Irish Free State, or to the Ministry of Home Affairs for Northern Ireland.<sup>1</sup>

[§ 4] WHAT MAY BE PROVIDED.—Museums for the reception of local antiquities or other objects of interest, and gymnasiums with all the apparatus ordinarily used in connection with them may be provided and maintained. Buildings may be erected, and all things necessary for the provision and maintenance of such museums and gymnasiums may be done.

[§ 5] ADMISSION TO MUSEUM.—The museums must be open to the public not less than three days in every week free of charge. Subject to this free admission, the urban authority may admit any person or class of persons as they think fit and may charge fees for admission ; or they may grant the use of the museum or of any room in it either free or for payment for lectures, exhibitions, or any purpose of education or instruction ; admission may then be with or without payment as directed or agreed by the urban authority.

[§ 6] ADMISSION TO GYMNASIUM.—The gymnasium must be open to the public free of charge for not less than two hours a day during five days in the week. Subject to this free admission, the urban authority may regulate the admission of the public either by classes or otherwise, and may charge fees for admission ; and may, for not more than two hours in each day, grant the exclusive use of it, for such terms and on such conditions as they think fit, to any person or body of persons for the purpose of gymnastic exercises.

But the urban authority may, for not more than twenty-four days in one year, nor more than six consecutive days, close the

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<sup>1</sup> See footnote 1 on p. 45.



gymnasium for use as a gymnasium, and grant the use of it either free or for payment for the purpose of lectures, exhibitions, public meetings, entertainments, or other public purpose ; admission may then be with or without payment as directed or agreed by the urban authority.

[§ 7] REGULATIONS.—An urban authority may make regulations for fixing the days and hours of free admission, giving special facilities, fixing any fees, prescribing conditions, determining the duties of officers, and generally for regulating and managing the museum or gymnasium.

BYELAWS.—An urban authority may make byelaws for regulating the conduct of persons admitted and for providing for the removal of persons infringing any byelaw. (Sections 182-186 of the *Public Health Act*, 1875, must be complied with ; for these see pp. 23-24.)

[§ 8] CLOSING FOR REPAIRS.—An urban authority may, on a fortnight's notice, close the museum or gymnasium for repairs.

[§ 9] OFFICERS.—An urban authority may appoint and pay officers and servants.

[§ 10] EXPENSES.—Any fees and other money received under this Act shall be applied in defraying the expenses of the museum or gymnasium in respect of which they are received. Any expenses not so defrayed shall be met as part of the general expenses under the *Public Health Acts*.

An urban authority may borrow for museum or gymnasium expenses under this Act. (The conditions are similar to those under the *Libraries Act* ; for these see p. 113.)

Separate accounts of receipts and expenses for the purposes of this Act must be kept, and must be audited in the same way as the other accounts of the urban authority.

The maximum rate under this Act must not exceed  $\frac{1}{2}$ d. in the £ for a museum, and  $\frac{1}{2}$ d. in the £ for a gymnasium.

[§ 11] LAND.—The urban authority may acquire land for museum and gymnasium purposes, or may, with the consent of the Government Department concerned,<sup>1</sup> appropriate for those purposes any land vested in the urban authority.

[§ 12] SALE.—Where an urban authority consider that a museum or gymnasium which has been established under this

Act for seven years or more is unnecessary or too expensive, they may, with the consent of the Government Department concerned,<sup>1</sup> sell it for the best price reasonably obtainable. Any moneys resulting from such sale shall be applied towards the repayment of any money borrowed for the purpose of any museums or gymnasiums sold ; so far as not required for that purpose they must be applied for purposes approved by the Government Department.<sup>1</sup>

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<sup>1</sup> The Act reads "Local Government Board," but on this point see p. 31 for the *Ministry of Health (Public Libraries, Museums and Gymnasiums, Transfer of Powers) Order, 1920*. For Ireland the Departments concerned appear to be the Ministry for Home Affairs in Northern Ireland, and the Ministry of Local Government in the Irish Free State.

## APPENDIX III

### SPECIMENS OF FORMAL AGREEMENTS BETWEEN LIBRARY AUTHORITIES <sup>1</sup>

THE COCKERMOUTH URBAN DISTRICT COUNCIL AND THE  
PARISH COUNCIL OF PAPCASTLE. AGREEMENT AS TO  
PUBLIC LIBRARY, 11th *September* 1901

AN AGREEMENT made this Eleventh day of September One thousand nine hundred and one BETWEEN THE COCKERMOUTH URBAN DISTRICT COUNCIL (being the Library Authority for the Urban district of Cockermouth and hereinafter called "Cockermouth") of the one part and THE PARISH COUNCIL OF PAPCASTLE (being the Library Authority for the Local Government Parish of Papcastle and hereinafter called "Papcastle") of the other part WHEREBY IT IS AGREED as follows :—

1. THE two Authorities agree to share as from the date hereof in all the purposes (other than purchase or erection) mentioned in Section 5 of The Public Libraries Act 1901 and shall contribute to the costs thereof the amounts to be produced from the maximum rate which each district can levy for such purposes from time to time.

2. PAPCASTLE shall be entitled to use the Library buildings books papers and other property of Cockermouth who shall have the sole right of general management regulation and control. Cockermouth shall delegate their powers and duties to a committee not exceeding nine in number appointed under Section 15 of The Public Libraries Act 1892 and shall nominate from time to time on such committee two members resident in the Parish of Papcastle. Either of such members ceasing to

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<sup>1</sup> See p. 96.

reside in the Parish of Papcastle shall thereupon cease to be a member of such committee and the vacancy shall be filled up by the nomination of someone resident in that Parish.

3. ALL books hereafter purchased by Cockermouth shall belong to the two Authorities in the proportion in which the Authorities respectively contribute to the aggregate of the aforesaid costs from the date of this Agreement to the termination thereof.

In the event of the termination of this Agreement as herein-after mentioned Cockermouth shall be entitled to purchase the interest of Papcastle in such books at a price to be mutually agreed upon between the two Authorities and in default of agreement to be fixed by a valuer to be appointed by His Honour the County Court Judge of the County for the time being.

4. EITHER party may terminate this Agreement by giving to the other through their Clerk six months previous notice to determine the same on the Thirtieth day of September in any year.

IN WITNESS whereof the two Authorities have caused their Common Seals to be hereunto affixed the day and year first aforesaid.

THE COMMON SEAL of the Cockermouth Urban District Council was hereunto affixed in the presence of :

(Signed) R. MITCHELL, *Chairman.*

(L.S.)

„ JOHN FEARON, *Clerk.*

SIGNED SEALED and DELIVERED at a meeting of The Parish Council of Papcastle held on the twelfth day of August 1902 by Alfred Sutton the Chairman presiding and Isaac Brewer and Tom Walker Dawes two other members of the said Council in the presence of :

ALFRED SUTTON (L.S.)

ISAAC BREWER (L.S.)

TOM W. DAWES (L.S.)

(Signed) JAS. WAKEFIELD, *Clerk.*



THE COCKERMOUTH URBAN DISTRICT COUNCIL AND THE  
PARISH COUNCIL OF PAPCASTLE. AGREEMENT AS TO  
PUBLIC LIBRARY, 10th April 1912

AN AGREEMENT made this Tenth day of April One thousand nine hundred and twelve BETWEEN THE COCKERMOUTH URBAN DISTRICT COUNCIL (being the Library Authority for the Urban district of Cockermouth and hereinafter called "Cockermouth") of the one part and THE PARISH COUNCIL OF PAPCASTLE (being the Library Authority for the Local Government Parish of Papcastle and hereinafter called "Papcastle") of the other part WHEREBY IT IS AGREED as follows :—

1. THE inhabitants of the said Parish of Papcastle shall be entitled to use the Library Buildings books papers and other like property of Cockermouth who shall have the sole right of general management regulation and control. Cockermouth may delegate their powers and duties to a Committee not exceeding seven in number appointed under Section 15 of the Public Libraries Act 1892.

2. FOR the aforesaid privileges Papcastle shall pay to Cockermouth the sum of EIGHT POUNDS per annum such payment to be made on the Thirtieth day of September in every year.

3. ALL BOOKS purchased by Cockermouth during the continuance of an agreement with Papcastle dated the Eleventh day of September One thousand nine hundred and one and all books hereafter purchased by Cockermouth shall belong to Cockermouth alone, Papcastle releasing and giving up any claim or right in respect thereto.

4. THIS Agreement shall be in force for a term of ten years from the first day of April One thousand nine hundred and twelve but either party has the option of determining the same at the end of the fifth year on six months notice in writing being given by either party to the other of them through their Clerk.

IN WITNESS whereof the Common Seal of the Cockermouth Urban District Council has been hereunto affixed and the Chairman and Clerk of the said Parish Council of Papcastle

have hereunto set their hands and seals the day and year first hereinbefore written :—

THE COMMON SEAL of the Cocker-  
mouth Urban District Council was  
hereunto affixed in the presence of :

(Signed) F. W. JAMES, *Chairman*.

„ J. W. DRUMMOND, *Clerk*.

(L.S.)

SIGNED SEALED and DELIVERED by  
a Meeting of the Parish Council of  
Papecastle held on the 26th day of  
March 1912 by Alfred Sutton the  
Chairman and James Wakefield,  
Clerk, of the said Council in the  
presence of :

ALFRED SUTTON (L.S.)

JAMES WAKEFIELD (L.S.)

(Signed) JON. T. CAMPBELL.

„ JOSEPH H. RULE.

## APPENDIX IV

### QUESTIONS ON LIBRARY LAW SET IN THE RECENT PROFESSIONAL EXAMINATIONS IN LIBRARY ORGANISATION

1. Describe the methods of dealing with breaches of rules and regulations on the part of the public, outlining the powers of enforcement possessed by library authorities and citing the various Acts of Parliament conferring such powers. [L. A. 1923.]

2. Describe the principal differences between the last Public Libraries Act for England and the last for Scotland. [L. A. 1921.]

3. Discuss the Acts of Parliament relating to libraries and museums in England, Scotland and Ireland, comparing the powers granted to library authorities in the different countries. [L. A. 1923.]

4. Discuss the legality of rules and regulations, and mention the Acts relating thereto. [L. A. 1924.]

5. Explain in detail the provisions of the Public Libraries Acts concerning the establishment of libraries in rural areas. [L. A. 1923.]

6. Has the "rate limitation" been removed by the Public Libraries Act, 1919? Discuss this question. [L. A. 1921.]

7. In Scottish library legislation what matters are (a) permissive, and (b) obligatory? [L. A. 1924.]

8. Is a public library authority entitled to grant borrowing privileges to residents in adjoining districts where the Acts are not in operation? State the Act and the clauses on which you base your answer. [L.A. 1922.]

9. Over what area may a county council levy a library rate for the purpose of rural libraries? [L.A. 1923.]

10. State how the Public Libraries Act, 1919, affects the provision of museums. [L.A. 1922.]

11. State the authority for the making of byelaws for a public library. For what purposes can byelaws be framed, and

what is the procedure for the bringing of them into operation ? [L.A. 1922.]

12. State the provisions made in the Public Libraries Act, 1919, respecting expenses and audit. [L.A. 1924.]

13. What constitutes a Part II. Authority in regard to Education Acts ? In what respect does it differ from a Part III. Authority ? Does the distinction affect public library policy in any way ? [L.A. 1923.]

14. What is meant by the "delegation of powers" ? Quote some variations in practice. [L.A. 1924.]

15. What is the position of a municipal borough which desires to adopt the Public Libraries Act in the year 1921 ? [L.A. 1921.]

16. What is the present position of public libraries in respect to rating and taxation ? [L.A. 1923.]

17. What legal and administrative steps must be taken before work between library authorities of contiguous districts may be co-ordinated ? Support your answer by reference to the Public Libraries Acts [L.A. 1923.]

18. What provision does the Public Libraries Act, 1919, make connecting local education committees with the administration of public libraries ? [L.A. 1922.]

19. When is a so-called byelaw merely a regulation ? [L.A. 1923.]



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